

WP(C) 994/2008

BEFORE

HON'BLE MR JUSTICE K. SREEDHAR RAO

Heard Sri M Khataniar, learned counsel for the petitioner and Sri DC Nath, learned counsel for the respondent 3.

Petitioner submits that the respondent employer is discriminating in payment of bonus. To the staff at the head office in Kolkata bonus is paid at the rate of 16 per cent, whereas at the tea estate bonus is paid at the rate of 10 per cent. The Industrial Tribunal failed to appreciate this hostile discrimination, and rejected the claim for grant of bonus at the rate of 16 per cent on par with the staff at the head office in Kolkata.

The counsel for the respondent, per contra, submits that the registered trade union of the tea estate has entered into an agreement where under bonus payable is agreed at the rate of 10 per cent. Monetary incentive is given to the staff at the head office in Kolkata by way of ex gratia and not bonus. Therefore there is no parallel between the ex gratia paid to the staff at the head office in Kolkata and bonus paid to the workers at the tea garden. Bonus is paid by the tea estate as per the agreement at the rate of 10 per cent, which is valid.

The tribunal rightly appreciated the matter. I do not find any merit in the claim of the petitioner and the findings given by the Tribunal are sound and proper.

Bonus is paid as per the agreement entered into between the management and the registered trade union. Petitioner is not a party to it. Petitioner has not entered into any agreement with the management. Accordingly the writ petition is dismissed.