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## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 4th October 2004

No. 8652-li/1(J)-15/2003-L. E.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 5th June 2004 of the Presiding Officer, Labour Court, Jeypore in I. D. Case No.16/2003 to whom the industrial disputes between the Management of the Executive Engineer, Stores and Mechanical Division, UIHEP, Khatiguda, district Nawarangpur and its Workman Shri Govinda Chandra Sahoo, Qtr. No. IE-921, At/P.O. Khatiguda, district Nawarangpur was referred for adjudication is hereby published as in the Schedule below :

### SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER  
LABOUR COURT, JEYPORE

INDUSTRIAL DISPUTE CASE No. 16 OF 2003  
Dated the 5th June 2004

*Present :*

Shri R. K. Saran  
Presiding Officer, Labour Court  
Jeypore, Dist. Koraput.

*Between :*

The Executive Engineer  
Stores and Mechanical Division  
UIHEP, Khatiguda, Dist. Nawarangpur  
.. First Party—Management

And

Shri Govinda Chandra Sahoo  
Qtr. No. TE-92  
At/P. O. Khatiguda, Dist. Nawarangpur.  
.. Second Party—Workman

Under Sections 10 and 12 of the Industrial Disputes Act, 1947

*Appearances :*

For the First Party–Management	..	K. N. Samantra, G.S. Santra, S. K. Naidu Advocates, Jeypore.
For the Second Party–Workman	..	Shri B. Padhy, Advocate Jeypore.
Date of Argument	..	20-5-2004
Date of Award	..	5-6-2004

#### AWARD

This is a reference under Section 10 (1), read with Section 12 (5) of the Industrial Disputes Act, 1947 made by the State Government of Orissa in their Labour & Employment Department Memo. No. 9071-L. E., dated the 11th September 2003 for adjudication of the dispute mentioned below–

#### SCHEDULE

“Whether the termination of services on account of alleged premature retirement of Shri Govinda Chandra Sahoo, ex- Mechanic, Grade II (W/C) with effect from the 30th November 1998 by the management of Executive Engineer, Stores and Mechanical Division, UIHEP, Khatiguda is legal and/or justified ? If not, what relief he is entitled to ?”

2. The above reference has been referred to the court for answer. The claim of judgement that he is to retired at the 60 years of age as he joined as Mechanic Grade III which is a Class 4 or ‘D’ category post. It is his claim that he has prematurely retired at the age of 58 years is illegal. On the other hand, the management has submitted that the workman has joined as Mechanic Grade 3.

Shri Sahoo has joined as Mechanic Grade III (W/C ) under the Executive Engineer, F. M. Division, Balimela Dam Project on the 16th April 1964 and subsequently promoted as Grade III Mechanic in the scale of pay of Rs. 1, 350 to 2,250. Consequently at the age of 58 he was retired from service on the 30th November 1998, when he was drawing a basic pay of Rs. 2,250 per month. This Grade II Mechanic corresponds to Group C employees and the retirement age 58 is applicable to this category of employees. A one month notice of his retirement was also communicated to him vide the first party’s office letter No. 3700, dated the 22nd October 1998. These facts finds support from the original Service Roll of Shri G. C. Sahoo, Extract copy of S. R. of Shri Sahoo, is enclosed as Annexure B/3 and copy of office order No. 3700, dated the 22nd October 1998 of E. E., S. & M. Division, Khatiguda is enclosed as Annexure C.

3. In view of the above stand of the management and claim of the workman and hearing them it is found that, while the workman was Grade III or Class 4 employee he is to retire at the

age of 60 years. Since he has been promoted to higher post to Class III and worked there as permanent employee till retirement he is to retire at the age of 58 years. The workman had every right earlier to refuse promotion. Since he has not done so, he cannot take two benefits against the Government Rules, Circular and norms.

4. In the result, the retirement of the workman is proper and the reference is answered against the workman.

Dictated and corrected by me

R. K. SARAN  
5-6-2004  
Presiding Officer  
Labour Court, Jeypore

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5-6-2004  
Presiding Officer  
Labour Court, Jeypore

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By order of the Governor  
D. MISHRA  
Under-Secretary to Government