

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1586, CUTTACK, WEDNESDAY, SEPTEMBER 28, 2005/ ASWINA 6, 1927

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 2nd September 2005

No. 7469-Ii/1/(J)-39/2000/LE.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 27th November 2004 in I.D. Case No. 25/01 of the Presiding Officer, Labour Court, Jeypore to whom the industrial disputes between the Management of Executive Engineer, Earth Dam Division (PIP), Chitrakonda, At/P.O./ Chitrakonda, Dist./ Malkangiri and its workman Shri Kamalusai Tanti, S/o. Mamalu Nayak, Netaji Nagar, At/P.O./Dist./ Malkangiri was referred for adjudication is hereby published as in the schedule below:—

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT, JEYPORE, KORAPUT

INDUSTRIAL DISPUTE CASE No. 25 OF 2001

Dated the 27th November 2004

Present:

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

Between:

The Management of
Executive Engineer,
Earth Dam Division (PIP), Chitrakonda,
At/P.O./ Chitrakonda,
Dist./ Malkangiri.

. . First party—Management

Versus

Its Workman,
Shri Kamalusai Tanti,
S/o. Mamalu Nayak,
Netaji Nagar,
At/P.O./Dist./ Malkangiri.

. . Second Party—Workman

Under Sections: 10 & 12 of the Industrial Disputes Act, 1947.

Appearances:

For the Management	.. None
<hr/>	
For the Workman	.. Self
Date of Argument	.. 23-11-2004
Date of Award	.. 27-11-2004

AWARD

This is a reference U/s. 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.11383 (5), dated the 10th August 2001 for adjudication of the dispute mentioned below:

SCHEDULE

“Whether the action taken by the Management of Earth Dam Division, Chitrakonda in terminating of services of Shri Kamalusai Tanti, contingent Khalasi with effect from 31-03-2000 is legal and/or justified ? If not, what relief Shri Tanti is entitled to ?”

2. The workman in order to prove his case, has filed an affidavit stating that he has been engaged as a contingent Khalasi under the first party Management from 1988 and worked continuously up to 30-03-2000 without any break or interruption. But the Management illegally terminated his service on 31-03-2000 without any reason and without giving him any benefits. The workman raised the dispute which has been subsequently referred to this Court for adjudication.

3. In spite of valid notices the Management did not appear nor contested the case and as such he is set *ex parte*. The workman as already stated above supports his case by filing an affidavit and there is no reason to disbelieve it. Therefore, the only conclusion is the workman has been illegally terminated by the Management and he is entitled to the reliefs claimed.

ORDER

4. The action of the Management of the Executive Engineer, Earth Dam Division (PIP), Chitrakonda, Dist./ Malkangiriin terminating the services of Shri Kamalusai Tanti with effect from 31-03-2000 is illegal and unjustified and he is entitled to full back wages and reinstatement immediately.

Dictated and corrected by me

R.K. SARAN,
27-11-2004
Presiding Officer,
Labour Court, Jeypore,
Dist./ Koraput.

R.K. SARAN,
27-11-2004
Presiding Officer,
Labour Court, Jeypore,
Dist./ Koraput..

By order of the Governor

D.MISHRA
Under-Secretary to Government