

# The Orissa Gazette



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

---

No. 1595, CUTTACK, FRIDAY, SEPTEMBER 30, 2005/ ASWINA 8, 1927

---

## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 6th September 2005

No. 7583-Ii/1/(B)-72/05/LE.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 30th August 2005 in I.D. Case No. 10/2000 of the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the industrial dispute between the Management of M/s. The Samaj and Satyabadi Press, Gopabandhu Bhawan, Buxi Bazar, Cuttack and its workman Shri Krushna Chandra Pati, C/o. Shri Dibakar Muduli, At. Bamapali Sahi, P.O. Telenga Bazar, Cuttack was referred for adjudication is hereby published as in the schedule below: —

### SCHEDULE

INDUSTRIAL TRIBUNAL, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 10 OF 2000

Dated the 30th August 2005

*Present:*

Sk. Jan Hossain, O.S.J.S. (Senior Branch),  
Presiding Officer, Industrial Tribunal,  
Bhubaneswar.

*Between:*

The Management of  
M/s. The Samaj and Satyabadi Press,  
Gopabandhu Bhawan, Buxi Bazar,  
Cuttack.

.. First party—Management

And

Their workman,  
Shri Krushna Chandra Pati,  
C/o. Shri Dibakar Muduli,  
At. Bamapali Sahi, P.O. Telenga Bazar,  
Cuttack.

.. Second party—Workman

*Appearances:*

Shri Satyabadi Dash, Advocate	. . For the first party—Management
<hr/>	
Shri Satyabadi Mishra, Advocate	. . For the second part—workman

## AWARD

The Government of Orissa in the Labour & Employment Department, in exercise of powers conferred under sub-section (5) of section 12 read with clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their order No. 1912-Ii/1/(B)-140/1999/LE., dated the 3rd February 2000:

“Whether the action of the Management of M/s. The Samaj and the Satyabadi Press, Gopabandhu Bhawan, Buxi Bazar , Cuttack in terminating the services of Shri Krushna Chandra Pati, Daftery with effect from 31-08-1997 by way of superannuation is legal and/or justified ? If not, to what relief he is entitled ?”

2. On 25-08-2005 the concerned workman Shri Krushna Chandra Pati and the representative of the Management Shri Sangram Keshari Mishra, Personnel Officer of the first party filed a joint petition along with a memorandum of settlement drawn-up in Form-K and submitted that the dispute under reference having been settled between the parties amicably, an Award may be passed in terms of the settlement arrived at between the parties.

3. The terms of the settlement were read over and explained to the workman present and so also to the representative of the Management and they admitted the same to be true and correct. The terms of the settlement being fair are accepted and accordingly an Award is passed in terms of the settlement which do form part of the Award.

## FORM-K

(See Rule 64 of the Orissa Industrial Tribunal Dispute Rules, 1959)

### MEMORANDUM OF SETTLEMENT

Name of the Parties:

Representing the Employer : M/s. The Samaj and the Satyabadi Press,  
Gopabandhu Bhawan, Buxi Bazar , Cuttack-1  
represented through its General Manager Shri Braja Bhai.

Representing Workman : Shri Krushna Chandra Pati,  
S/o. Gobardhan Pati,  
Vill. Ramdasapur, P.O. Godisahi,  
P.S. Baranga, Dist. Cuttack.

### SHORT RECITAL OF THE CASE

On the allegation of the 2nd Party Workman for his termination with effect from 31-08-1997 by way of superannuation, a conciliation proceeding was initiated by the Asst. Labour officer, Cuttack and after submission of conciliation failure report on 07-09-1999, the Government of Orissa referred the dispute on 03-02-2000 on the following manner:

“Whether the action of the Management of M/s. The Samaj and the Satyabadi Press, Gopabandhu Bhawan, Buxi Bazar , Cuttack in terminating the services of Shri Krushna Chandra Pati, Daftery with effect from 31-08-1997 by way of superannuation is legal and/or justified ? If not, to what relief he is entitled ?”

The Hon'ble Tribunal registered the said reference as I.D. Case No. 10/2000 which is pending adjudication. In the meanwhile the dispute in question has been settled amicably by the parties for which this memorandum of Settlement has been made today the 24 th day of August 2005 on the following amongst other terms:

### TERMS OF SETTLEMENT

1. It is agreed by the 2nd Party Workman that he has not been terminated from service on 31-08-1997 but has been retired from service after attaining the age of superannuation as per the certified Standing Orders of the 1st Party Management. Therefore, he has no claim whatsoever against the 1st Party Management so far as the reference is concerned.

2. It is agreed that the 1st party Management will co-operate the 2nd party Workman and make final settlement of his post-retirement benefits within thirty days of receipt of award of the Hon'ble Tribunal in temrs of the settlement.

3. It is agreed by the 2nd party Workman that he has no claim whatsoever against the 1st Party Management with reference to the I.D. Case No. 10/2000 other than the post retirement benefits and will not raise any or further dispute or claim in future in connection with his service matters before the 1st party Management or any Court of Law.

4. It is agreed by the parties to file a joint petition along with the Memorandum of Settlement before the Hon'ble Tribunal praying for passing an Award in terms of the Memorandum of Settlement.

Sd/- Illegible  
Signature of the representative  
of the 1st Party Management

Date:

କୃଷ୍ଣଚନ୍ଦ୍ର ପତି  
Signature of the 2nd party Workman

Signature of Witnesses:

1. Sangram Keshari Mishra,  
Personal Officer, The Samaj, Cuttack-1

2.

Date:

Copy submitted to:

- (1) The Labour Commissioner, Orissa, Bhubaneswar.
- (2) The District Labour Officer, Cuttack.
- (3) The Secretary to Govt. Labour & Employment Department, Orissa,  
Bhubaneswar.

for kind information and necessary action.

Sd/- Illegible  
Signature of the representative  
of the 1st Party Management

Date:

କୃଷ୍ଣଚନ୍ଦ୍ର ପତି  
Signature of the 2nd party Workman

Dictated and corrected by me

Sk. JAN HOSSAIN,  
30-08-2005  
Presiding Officer,  
Industrial Tribunal,  
Bhubaneswar.

Sk. JAN HOSSAIN,  
30-08-2005  
Presiding Officer,  
Industrial Tribunal,  
Bhubaneswar.

---

By order of the Governor

D. MISHRA  
Under-Secretary to Government