

The Orissa Gazette



EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1696, CUTTACK, SATURDAY, OCTOBER 15, 2005/ ASWINA 23, 1927

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 9th September 2005

No. 7638-Ii/1 (J)-2/2004/LE.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 16th July 2005 in I.D. Case No. 7/2004 of the Presiding Officer, Labour Court, Jeypore to whom the industrial dispute between the Management of M/s. O.S.R.T.C., Berhampur, At/P.O./ Berhampur, District/ Ganjam and its workman Shri Binayak Sahu, Ex-Cleaner represented through the General Secretary, O.S.R.T.C. Staff Federation, Berhampur, At/P.O./ Berhampur, District/ Ganjam 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. 7 OF 2004

Dated the 16th July 2005

Present:

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

Between:

The Management of
M/s. O.S.R.T.C., Berhampur,
At/P.O. Berhampur,
District. Ganjam.

.. First party—Management

Versus

Its workman,
Shri Binayak Sahu,
Ex-Cleaner presented through the
General Secretary,
O.S.R.T.C. Staff Federation, Berhampur,
At/P.O. Berhampur,
District. Ganjam.

.. Second party—Workman

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

Appearances:

For the Management	. . None.
<hr/>	
For the workman	. . Shri K.Ch. Mishra, A/R of the Workman.
Date of Argument	. . 12-07-2005
Date of Award	. . 16-07-2005

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.6221 (5), dated the 17th July 2004 for adjudication of the dispute mentioned below :

SCHEDULE

“Whether the termination of services of Shri Binayak Sahu, Ex-Cleaner of Orissa State Road Transport Corporation, Berhampur with effect from 02-06-2000 is legal and/or justified ? If not, to what relief Shri Binayak Sahu, Ex-Cleaner is entitled to ?”

2. The second party workman in order to prove his case, he has filed an affidavit evidence stating that he has been engaged as a ex-Cleaner with effect from 01-12-1991 under the first party Management on 01-06-2000 without any break or interruption in service. But the first party Management illegally terminated his service on 02-06-2000 without any reason and without giving him any benefits. The second party 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 evidence and there is no reason to disbelieve it. Therefore the only conclusion is that the workman has been illegally terminated by the first party Management and he is entitled to the reliefs claimed.

4. The action of the Management of the Orissa State Road Transport Corporation, Berhampur in terminating the service of Shri Binayak Sahu, Ex-Cleaner with effect from 02-06-2000 is held illegal and unjustified and he is entitled to full back wages and reinstatement immediately.

Dictated and Corrected by me.

R.K.SARAN,
16-07-2005
Presiding Officer,
Labour Court, Jeypore,
Dist. Koraput.

R.K.SARAN,
16-07-2005
Presiding Officer,
Labour Court, Jeypore,
Dist. Koraput.

By order of the Governor

D.MISHRA
Under-Secretary to Government