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EXTRAORDINARY

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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 28th April 2005

No.4182-li/l(BH)-63/1997-LE.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 7th March 2005 in I.D. Case No. 137/1998 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial disputes between the Management of the Divisional Forest Officer, Territorial Division, Baripada and its workman Shri Pravat Kumar Das was referred for adjudication is hereby published as in the scheduled below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR
INDUSTRIAL DISPUTE CASE NO. 137 OF 1998
Dated the 7th March 2005

Present :

Shri P. K. Sahoo, O.S.J.S (Jr. Br.),
Presiding Officer,
Labour Court, Bhubaneswar.

Between :

The Management of
Divisional Forest Officer,
Territorial Division,
Baripada. . . First-party—Management

And

Its Workman
Shri Pravat Kumar Das . . Second-party—Workman

Appearances :

For the First-party—Management . . None

For the Second-Party—Workman . . Shri S. K. Kar (Advocate)

The State Government in exercise of powers conferred by sub-section (5) of section 12 read with clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 have referred the matter in dispute to this Court in the Labour & Employment Department Memo. No.11345 (6)/LE., dated the 15th October 1998 for adjudication and Award.

2. The terms of reference may briefly be stated as follows :

“ Whether the termination of services of Shri Pravat Kumar Das, Watcher by the Divisional Forest Officer, Territorial Division, Baripada with effect from 1st April 1995 is legal and/or justified ? If not, to what relief Shri Das is entitled ?”

3. Briefly stated the case of the workman Pravat Kumar Das is that he was engaged as Watcher by Divisional Forest Officer, Territorial Division, Baripada (in short the management) with effect from 1993. He continued to work as such till the end of March, 1995. According to the workman he had rendered continuous uninterrupted service for about two years but the management without any rhyme or reason had illegally terminated him from service with effect from 1st April 1995 without following the mandate of Section 25-F of the Industrial Disputes Act, 1947 (in short the Act). While challenging the action of the management, the workman has now prayed for his reinstatement in service with back wages. Hence the reference.

4. Despite issuance of notice the management did not enter its appearance as a result, it was set *ex parte*. The *ex parte* hearing commenced on 17th September 2004.

5. During *ex parte* hearing the workman has clearly supported and corroborated the facts averred in his statement of claim. He has categorically stated that he had worked under the management for about two years continuously but the management without any rhyme or reason illegally terminated him from service with effect from 1st April 1995 without giving any prior notice or notice pay and retrenchment compensation. During evidence he has proved the xerox copy of the receipt showing payment of wages from January, 1994 till March, 1995. The evidence of the workman has nowhere been challenged by the management. No rebuttal evidence is also adduced by the management so as to controvert the evidence of the workman. After carefully examining the evidence of the workman absolutely I find no cogent reason to disbelieve his sole evidence. Rather it is clearly evident from his evidence that although he had rendered continuous service for about two years but the management illegally terminated him from service with effect from 1st April 1995 without following the mandate of section 25-F of the Act, which in my considered view, was illegal and unjustified. In such view of the matter, the workman is entitled to the relief as prayed for.

6. Hence , it is ordered :

ORDER

That the termination of services of Shri Pravat Kumar Das, Watcher by the Divisional Forest Officer, Territorial Division, Baripada with effect from 1st April 1995 is neither legal nor justified. The workman Shri Das is entitled to be reinstated in service with a lump sum compensation to the tune of Rs. 5,000 (rupees five thousand) only in lieu of back wages.

The reference is thus answered accordingly *ex parte*.

Dictated and corrected by me

P. K. SAHOO
7-3-2005
Presiding Officer
Labour Court,
Bhubaneswar

P. K. SAHOO
7-3-2005
Presiding Officer
Labour Court,
Bhubaneswar

By order of the Governor

D.MISHRA
Under-Secretary to Government