

# The Orissa Gazette

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## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 17th December 2005

No.10800-Ii/I-(BH)-20/2001(pt)/LE. — In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the award dated the 29th November 2005 in I.D.Case No. 12/2001 of the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the industrial disputes between the Management of M/s. Sony Brothers, At/PO-Chhanpur, Balasore, Nigam Enterprisers, Birla Chhak, At-Bampada, P.O.-Chhanpur, Dist.-Balasore and its workman represented through the Vice-President, Birla Tyres Workers Union, Balasore was referred for adjudication is hereby published as in the schedule below: —

### SCHEDULE

IN THE INDUSTRIAL TRIBUNAL: BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 12 of 2001

Dated the 29th November 2005

*Present:*

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

*Between:*

(1) M/s. Sony Brothers,  
At/P.O.-Chhanpur,  
Balasore.

(2) Nigam Enterprisers,  
Birla Chhak,  
At-Bampada,  
P.O.-Chhanpur,  
Balasore.

.. First party — Management

And

Its workmen represented  
through the Vice-President,  
Birla Tyres Workers Union,  
Balasore.

.. Second Party—Workmen

*Appearances :*

None

.. For both the Parties.

#### AWARD

The Government of Orissa in the Labour & Employment Department in exercise of powers conferred upon them by 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. 11517-Ii/1- (BH)- 20/01/LE., Dated the 16th August 2001.

“ Whether the termination of employment of Shri Amarendra Patra and 85 other Contractor & workmen (As per list in Annexure-M) by M/s. Sony Brother, Balasore, Contractor of M/s. Birla Tyres, Balasore and Shri Sukadev Mahalik and 40 other contractors workmen (as per list Annexure-'N') by M/s. Nigam Enterprisers contractor of Birla Tyres, Balasore with effect from 18th November 2000 is legal and/or justified ? If it is in affirmative whether such contractor workmen are entitled to three months notice or three months notice pay in lieu of notice and compensation as per section 25 N of the Industrial Dispute Act ? “

2. Today being the date fixed for hearing of the case, both parties are found absent on repeated calls.

A scrutiny of the record would reveal that the second party union is absent since 15th October 2004 and no step was also taken by it on the dates fixed thereafter. The conduct of the second party, therefore, leads me to draw an inference that they are no more interested to prosecute the 'lis'. Today also both the parties are absent. In the circumstance, therefore, this Tribunal has no other option than to pass a no dispute Award in the case and accordingly a no dispute Award is passed in so far as the present reference is concerned.

Dictated and corrected by me.

Sk. Jan Hossain  
29-11-2005  
Presiding Officer,  
Industrial Tribunal,  
Bhubaneswar.

Sk. Jan Hossain  
29-11-2005  
Presiding Officer,  
Industrial Tribunal,  
Bhubaneswar.

By order of the Governor

D. MISHRA  
Under-Secretary to Government