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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 29th July 2006

No. 6949–li/1(S)-12/2001-L. E.–In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 31st May 2006 in Industrial Dispute Case No. 23/2002 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial disputes between the Management of M/s. Mahinder Singha Gyani Contractor of M/s. G.K.W. Ltd., Powmex Steel Division at Turla, Titilagarh represented through Shri Mahinder Singha Gyani Contractor of M/s. Mahinder Singha Gyani, C/o. M/s. G.K.W. Ltd., Powmex Steel Division/ The President M/s. G.K.W. Ltd., Powmex Steel Division P.O. Jagua, Via Titilagarh, Dist. Balangir and its Workmen Shri Gourishankar Mishra and others was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT,
SAMBALPUR

INDUSTRIAL DISPUTE CASE NO. 23 OF 2002

Dated the 31st May 2006

Present :

Shri P. K. Mohapatra, LL. B.
Presiding Officer, Labour Court
Sambalpur.

Between :

The Management of . . . First Party—Management
M/s. Mahinder Singha Gyani Contractor of
M/s. G.K.W. Ltd., Powmex Steel Division
Turla, Titilagarh represented through—

1. Shri Mahinder Singha Gyani, Contractor,
M/s. Mahinder Singha Gyani
C/o. M/s G.K.W. Ltd., Powmex Steel Division
At Turla, P.O. Jagua, Via Titilagarh
Dist. Balangir.
2. The President, M/s. G. K. W. Ltd.,
Powmex Steel Division, At Turla
P.O. Jagua, Via Titilagarh, Dist. Balangir.

And

Its Workman . . . Second Party—Workman
Shri Gourishankar Mishra and others
At Banjipadar, P.O. Rigdol, Via/P.S. Titilagarh
Dist. Balangir, Orissa.

Appearances :

For the First Party—Management . . . Shri Rashpal Singh
No. 1 Representative
No. 2 . . . Shri B. Pattanaik, Manager of
G.K.W. Ltd., Powmex Steel
Division.

For the Second Party—Workmen . . . Self

AWARD

This case arises out of the reference made by the Government of Orissa, Labour & Employment Department under Sections 10 & 12 of the Industrial Disputes Act, 1947 vide Memo No. 3579 (5)-L.E., dated the 14th March 2002 for adjudication of the dispute Scheduled below :

“Whether the termination of services of Shri Gourishankar Mishra with effect from the 5th April 1999 and Shri Sujit Panigrahi and Shri Nilamani Sahu with effect from the 22nd January 2000 by way of suspension from services by M/s. Mahinder Singha Gyani Contractor of M/s. G.K. W. Ltd., Powmex Steel Division, Turla, Titilagarh is legal and/or justified ? If not, to what relief the workmen are entitled ?”.

2. Consequent to the reference made by the State Government, both the parties made their appearance and filed their respective statement of claim and written statement etc. But subsequently both the managements filed separate petitions challenging the maintainability of the reference to which the workmen replied with a prayer to the Court to pass a ‘No Dispute Award’ in the changing circumstances. To buttress their above stand, they have filed xerox copy of the petitions and the termination letters served on them. Copies of the same are served on the representative of the Principal Employer and the Contractor. Heard.

3. It is averred by the workmen in the body of the counter that they have been placed under suspension for a considerable period without paying any subsistence allowance and

then the matter was moved to this Court and in consohence with the order passed by this Court the same was paid and they raised industrial dispute which was referred to this Court for adjusication. According to them, in the meantime, the management side have conducted a domestic enquiry and terminated the service and now when they have approached the Labour Office for initiation of a fresh industrial dispute, the pendency of the present case was treated to be an impediment and accordingly, they have filed this petition to treat the present case as 'no dispute', so that the same will entail them to move the Labour Forum for fresh reference. The representative of the Principal Employer and the Contractor have orally submitted that they have no objection to treat it as 'no dispute'. If the claim of the workmen available in the body of the petition and the submissions advanced by the representative of management are taken up, then what emerges is that at present there is 'no dispute' between the parties pertaining to the reference. The claim of the workmen to treat the dispute as no dispute and the consent given by the management side in that regard are congenial to conclude that at present there is practically no dispute between the parties. Hence the following award :—

AWARD

The reference is answered without any cost with the conclusion that there is 'no dispute' between the parties.

Dictated and corrected by me.

P. K. MOHAPATRA
31-5-2006
Presiding Officer
Labour Court, Sambalpur

P. K. MOHAPATRA
31-5-2006
Presiding Officer
Labour Court, Sambalpur

By order of the Governor
N. C. RAY
Under-Secretary to Government