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## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 25th January 2006

No. 793—li/1(J)-29/2001-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 27th December 2005 in Industrial Dispute Case No. 50 of 2001 of the Presiding Officer, Labour Court, Jeypore to whom the industrial disputes between the Management of the Executive Engineer, Right Canal Division No. I, Mukhiguda, At/P. O. Mukhiguda, District Kalahandi and its Workman Shri Iswari Prasad Behera, son of Satyanarayan Behera, At Atigaon, P. O. Churgaon, District Kalahandi 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. 50 OF 2001

Dated the 27th December 2005

*Present :*

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

*Between :*

The Management of the . . . First Party—Management  
Executive Engineer, Right Canal  
Division No. I, Mukhiguda  
At/P. O. Mukhiguda, Dist. Kalahandi.

*Versus*

Its Workman . . . Second Party—Workman  
Shri Iswari Prasad Behera  
S/o Satyanarayan Behera  
At Atigaon, P. O. Churgaon  
District Kalahandi.

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

Appearances :

For the Management	..	Shri S. K. Sahu, Assistant Engineer of Right Canal Subdivision No. III.
For the Workman	..	Shri M. M. Dash, A/R of the Workman
Date of Argument	..	27-12-2005
Date of Award	..	27-12-2005

#### AWARD

This is a reference under Section 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. 17544 (5), dated the 20th December 2001 for adjudication of the dispute mentioned below :—

“Whether the termination of services of Shri Iswari Prasad Behera and 23 others (copy enclosed), by the Executive Engineer, Right Canal Division No. I, Mukhiguda, with effect from the 1st August 2000 is legal and/or justified ? If not, what relief these workmen are entitled to ?”

2. The above reference has been received from the Government for answer. Both parties are noticed. The second party workman submitted the claim statement. Management filed written statement. The case was heard. As far as ten witnesses has been examined and cross-examined in the case, the management submitted that as there was no Government approval, they have to terminate the present workman. The workman though admitted the same and submitted that, the Chief Engineer while forwarding the representation of the workman in consultation with the District Labour Officer he has written that the Executive Engineer, U. I. Right Canal Division No. I is in need of the workman for supervision of the work. This being the position it appears that there is need of workman in the workside and the Chief Engineer feeling the same wrote to Government in the year 2000. Therefore, it is observed that there was no necessary to terminate the present workman from service. The workman (representative) also submitted a memo that they will not adduced any further evidence for they will claim back wages nor the period they were not engaged.

3. This being the position the only conclusion is drawn that the termination of the workman from service is illegal. The Management is directed to persue the matter in the Government and engage the workman within one month from the date of passing of the Award and it is further noted that the workman will not claim any back wages during the period they have not rendered service to the Government i.e. from the 1st August 2000.

Dictated and corrected by me.

R. K. SARAN  
27-12-2005  
Presiding Officer  
Labour Court, Jeypore

R. K. SARAN  
27-12-2005  
Presiding Officer  
Labour Court, Jeypore

By order of the Governor  
D. MISHRA  
Under-Secretary to Government