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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 25th January 2006

No. 802—li/1(J)-13/2002 (Pt.)-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 30th November 2005 in Industrial Disputes Case No. 12 of 2002 of the Presiding Officer, Labour Court, Jeypore to whom the industrial disputes between the Management of the District Manager, Orissa State Civil Supplies Corporation Ltd., Kalahandi, Bhawanipatna, At/P. O. Bhawanipatna, District Kalahandi and its workman Shri Krushna Chandra Mahakud, Ex-Driver, O.S.C.S. Corporation Ltd., Kalahandi, At Purunapada, P. O. Bhawanipatna, 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. 12 OF 2002

Dated the 30th November 2005

Present :

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

Between :

The Management of
the District Manager, Orissa State
Civil Supplies Corporation Ltd.
Kalahandi, Bhawanipatna
At/P. O. Bhawanipatna, District Kalahandi. . . First Party—Management

Versus

Its Workman .. Second Party—Workman
Shri Krushna Chandra Mahakud
Ex-Driver, O.S.C.S. Corporation Ltd.
Kalahandi, At Purunapada
P. O. Bhawanipatna, District Kalahandi.

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

Appearances :

For the Management	..	Shri D. K. Patjashi, Advocate, Bhawanipatna.
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For the Workman	..	Shri Bipina Chandra Mohapatra, Advocate, Jeypore.
Date of Argument	..	26-11-2005
Date of Award	..	30-11-2005

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. 4913 (5), dated the 16th April 2002 for adjudication of the dispute mentioned below :

“Whether the action of the District Manager, Orissa State Civil Supplies Corporation Ltd., Kalahandi, Bhawanipatna, by refusing engagement to Shri K. C. Mahakud, Ex-Driver from the 18th August 2000 is legal and/or justified ? If not, to what relief the workman is entitled ?”

2. The present reference is received as to why the refusal of engagement of Driver in the Corporation, is legal and proper.

3. After receipt of the reference both parties have been noticed. The second party workman submitted affidavit evidence and he has been examined by the first party management. From his cross-examination and affidavit evidence it appears that, the second party workman has been engaged as a Driver from the 1st January 1993 but he was refused his engagement on the 18th August 2000 when the workman approached the management to be engaged after recovery from Malaria fever. It appears from the written statement of the management that the workman has been engaged as purely daily labour basis and after completion of work he was receiving wage.

4. It has been further stated that, on the 17th July 2000, the workman took the vehicle to Kalahandi D. M., O. S. C. S. C. office, left the vehicle there and remain absconded from the

18th July 2000. The management issued show cause vide letter No. 886, dated the 20th July 2000 to which the workman did not respond. The workman has also admitted in his cross-examination that he received the show cause notice handed over the vehicle, key of the vehicle along with other parts of the vehicle as per list to the Marketing Inspector. He has stated that he has not remembered from what date to what date he has suffered. He has admitted that he took the letter along with the bills to get those passed by M. V. I. as directed by the Accountant. He has stated that he has kept the letter and bill with him till today. No bill or letter was produced by the workman. This being the position it is crystal clear that though the workman has worked for one and half year has voluntarily handed the vehicle and key to the Management, did not respond to show cause notice and voluntarily left the job. It has been already stated that, the second party workman was appointed as purely temporary basis as daily wage basis. He has not worked continuously for 5 (five) years. His voluntary abandonment of job will not enable him to get any relief such as reinstatement or any wage whatsoever.

Hence ordered :

5. In the result the workman has voluntarily left the job as he is not entitled to any relief in the case and as such, the reference is answered against the second party workman.

Dictated and corrected by me.

R. K. SARAN
30-11-2005
Presiding Officer
Labour Court, Jeypore

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30-11-2005
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Labour Court, Jeypore

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