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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 18th August 2006

No. 7565-li/1(J)-19/2005-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 11th July 2006 in Industrial Dispute Case No. 12/2005 of the Presiding Officer, Labour Court, Jeypore to whom the industrial disputes between the Management of the Divisional Forest Officer, Boudh Kendu Leaf Division, Boudh, At/P.O./Dist. Boudh and its Workman Shri kambhupani Sahoo, Son of hri Bhagaban Sahoo, At/P.O. Menda, Via Tarana, Dist Subarnapur 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 2005

Dated the 11th July 2006

Present :

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

Between :

The Divisional Forest Officer .. First Party—Management
Boudh Kendu Leaf Division, Boudh
At/P.O./Dist. Boudh.

Versus

It workman .. Second Party—Workman
Shri Kambhupani Sahu
S/o Shri Bhagaban Sahu
At/P. O. Menda, Via Tarana,
Dist. Subarnapur.

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

Appearances :

| | | |
|--------------------|----|--|
| For the Management | .. | Shri S. S. Mishra, O.F.S.-II Subdivision Forest Officer (K.L.) Manamunda Subdivision, on behalf of the Divisional Forest Officer, Boudh (K.L.) Division Boudh. |
| For the Workman | .. | Self |
| Date of Argument | .. | 22-6-2006 |
| Date of Award | .. | 11-7-2006 |

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. 9116(4), dated the 27th October 2006 for adjudication of the dispute mentioned below :

“Whether the termination of services of Shri Kambhupani Sahu, Watcher with effect from the 10th April 1993 by the Divisional Forest Officer, Boudh Kendu leaf Division Boudh is legal and/or justified ? If not, to what relief Shri Sahu is entitled ?”

2. After receipt of the reference, both parties are noticed. The management filed counter. Both parties are heard. They closed their evidence. The matter was taken for consideration. The brief fact of the case is that the workman was working as a watcher under the management and he remains absent unauthorisedly for long time for which the management terminated the workman from service. On the other hand the representative of the Management submitted that as the workman remained continuously absent from duty, they have no alternative than to terminate the service of the workman. After hearing both of them and after perusal of the documents filed by them it is seen that, the Watchman remained absent for long time and he has also explained his absence stating that he was suffering from certain decease for which he could not join duty regularly. To this effect the workman has also filed a Medical Certificate before his authority which was not accepted and his service was terminated.

3. Illness is not under control of a person. Any one can become a victime of the same. This being the condition the case of the workman should have been considered, takiing into account his illness which is a good ground for his absence from dudty.

4. Therefore, this court accepting the Medical Certificate and his condition ordered to reinstate the workman in his praviuous job without giving him any back wages.

5. In the result the reference is answered in part infavour of the Second party Workman and it is ordered to reinstate him in his duty but he will not get any back wages from the date of his termination.

The reference is accordingly answered.

Dictated and corrected by me.

R. K. SARAN

11-7-2006

Presiding Officer, Labour Court,
Jeypore

R. K. SARAN

11-7-2006

Presiding Officer, Labour Court,
Jeypore

By order of the Governor

N. C. RAY

Under-Secretary to Government