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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 1st June 2006

No. 4302–li/1(BH)-27/1997(Pt.)-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 28th February 2006 in Industrial Dispute Case No. 178 of 1998 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial disputes between the Management of M/s Kuliana Block Level Village Artisan Industrial Multipurpose Co-operative Society Limited, Kuliana and its Workman Shri Niranjan Behera, S/o Shri Gadadhar Behera, At/P.O. Madansahi, Koilisuta, Via Kuliana, District Mayurbhanj was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 178 OF 1998

Dated the 28th February 2006

Present :

Shri P. K. Sahoo, o.s.J.s. (Jr. Br.)
Presiding Officer, Labour Court
Bhubaneswar.

Between :

The Management of . . . First Party—Management
M/s Kuliana Block Level Village
Artisan Industrial Multipurpose
Co-operative Society Limited, Kuliana.

And

Shri Niranjan Behera . . . Second Party—Workman
S/o Shri Gadadhar Behera
At/P.O. Madansahi, Koilisuta
Via Kuliana, Dist. Mayurbhanj.

Appearances :

For the First Party–Management . . . Shri Ambuja Kumar Mohanta

For the Second Party–Workman himself . . . Shri Niranjan Behera

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. 12590-L.E., dated the 10th November 1998 :—

“Whether the action of the Managing Director, Kuliana Block Level Village Artisan Industrial Multipurpose Co-operative Society Limited in terminating the services of Shri Niranjan Behera, Secretary with effect from the 1st June 1995 vide his order No. 114, dated the 20th June 1996 is legal and/or justified ? If not, what relief he is entitled to ?”

2. Both the parties are present. At this stage, a joint petition for compromise is filed by both the parties along with Memorandum of Settlement drawn up in Form-K and prayed to pass an Award in terms thereof. The terms of settlement are readover and explained to both the parties and they admitted the same to be true and correct.

3. In view of the compromise the workman received a lump sum amount of Rs. 5,000 (Rupees five thousand) only from the management towards full and final settlement and accordingly he endorsed his signature in the order sheet. The settlement being fair is recorded. An Award is passed accordingly and the terms of settlement do form part of the Award.

Dictated and corrected by me.

P. K. SAHOO
28-2-2006
Presiding Officer
Labour Court, Bhubaneswar

P. K. SAHOO
28-2-2006
Presiding Officer
Labour Court, Bhubaneswar

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

FORM - K

(See Rule 64)

FORM OF MEMORANDUM OF SETTLEMENT

Memorandum of Settlement dated the 28th February 2006 between The Managing Director, M/s Kuliana Block Level Village Artisan Industrial Multipurpose Co-operative Society Limited, At/ P.O. Kuliana, Dist. Mayurbhanj and Shri Niranjan Behera, S/o Shri Gadadhar Behera, At Madana Sahi, P. O. Kuliana, Dist. Mayurbhanj.

Representing the Management
Shri Ambuja Kumar Mohanta
aged about 35 years,
At present working as *ex officio*
Managing Director,
M/s Kuliana Block Level Village
Artisan Industrial Multipurpose
Co-operative Society Limited
At/P.O. Kuliana, Dist. Mayurbhanj.

Representing the Workman
Shri Niranjan Behera
S/o Shri Gadadhar Behera
Aged about 44 years
At/P.O. Madana Sahi
P.S. Chandua
Dist. Mayurbhanj

Made part of the Award

P. K. SAHOO
28-2-2006

Presiding Officer, Labour Court
Bhubaneswar

SHORT RECITAL OF THE CASE

Whereas the above named workman Shri Niranjan Behera has raised an Industrial Dispute against his employer/management challenging his termination with effect from the 1st June 1995 vide letter No. 114, dated the 20th June 1996 as illegal and unjustified.

AND

Whereas the above dispute has been referred to the Hon'ble Presiding Officer, Labour Court, Bhubaneswar for adjudication and the same has been registered as Industrial Dispute Case No. 178 of 1998.

AND

Whereas during the pendency of adjudication of the above referred Industrial Disputes Case No. 178 of 1998 a discussion between the Managing Director of the management of M/s Kuliana Block Level Village Artisan Industrial Multipurpose Co-operative Society Limited and the workman Shri Niranjan Behera was held on the 27th February 2006 to settle the dispute in question and after a protracted discussion, both the mangement and the workman agreed to settle the dispute under the following terms and conditions :—

TERMS & CONDITIONS OF SETTLEMENT

1. That, it is agreed between the parties that the workman Shri Niranjan Behera will be paid a lump sum of Rs. 5,000 as his full and final settle amount including all his claims in the Industrial Dispute Case No. 178 of 1998.

2. That, it is agreed that the above full and final settlement of Rs. 5,000 shall be paid by the management to the workman Shri Niranjana Behera in shape of cash in the premises of Labour Court, Bhubaneswar on the 28th February 2006 and the workman Shri Behera shall hand over the receipt of the above amount in token of acceptance.
3. That, on receipt of the above full and final settlement amount of Rs. 5,000 both the parties shall file before the Presiding Officer, Labour Court, Bhubaneswar the memorandum of settlement along with a joint petition with the prayer for necessary order and award in view of the settlement.
4. That, both the parties understand, agree and accept that this agreement/settlement is amicable and with due volition and free from any influence and force from any corner and by virtue of the present settlement both the parties settled all existing as well as future demands/ disputes and difference between the parties.
5. That, the workman Shri Niranjana Behera shall not raise any further dispute against the management challenging his termination and for consequential reliefs in future in view of the present settlement.
6. That, both the parties understand, agree and accept this settlement as *bona fide* and amicable.

The settlement is signed on this day of 28th February 2006 in presence of the parties and witnesses.

Signature of Management Representative

Ambuja Kumar Mohanta
28-2-2006

Signature of the Workman

Niranjana Behera
28-2-2006

Signature of Witnesses

- 1.
- 2.

RECEIPT

Received Rs. 5,000 from Shri Ambuja Kumar Mohanta, Managing Director, M/s Kuliana Block Level Village Artisan Industrial Multipurpose Co-operative Society Limited, Kuliana, Mayurbhanj towards full and final settlement of my claim in Industrial Disputes Case No. 178 of 1998 as per the settlement dated the 28th February 2006.

Niranjana Behera
28-2-2006

Ambuja Kumar Mohanta