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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 7th December 2006

No. 10843—li/1(S)-4/2004-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 1st November 2006 in Industrial Dispute Case No. 5 of 2005 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial disputes between the Management of M/s Charapalli Service Co-operative Society Ltd., Charapalli, P. O. Charapalli, Dist. Jharsuguda and its Workman Shri Debananda Sa, Vill. Murutipati, P. O. Kandikela, Dist. Jharsuguda was referred for adjudication is hereby published as in the Scheduled below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER
LABOUR COURT, SAMBALPUR
INDUSTRIAL DISPUTE CASE No. 5 OF 2005
Dated the 1st November 2006

Present :

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

Between :

The Management of .. First Party—Management
M/s Charapalli Service Co-operative
Society Ltd., Charapalli
P. O. Charapalli, Dist. Jharsuguda.

And

Its Workman .. Second Party—Workman
Shri Debananda Sa, Vill. Murutipati
P. O. Kandikela, Dist. Jharsuguda.

Appearances :

For the First Party—Management	..	None
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For the Second Party—Workman	..	Self

AWARD

This case arises out of the reference made by the Government of Orissa, Labour & Employment Department under Sections 10 and 12 of the Industrial Disputes Act, 1947 vide Memo No. 3002(6)-L.E., dated the 19th March 2005 for adjudication of the dispute scheduled below :

“Whether the termination of services of Shri Debananda Sa, Clerk-*cum*-Cashier by the Management of M/s Charapalli Service Co-operative Society Ltd., Charapalli with effect from the 5th January 1999 is legal and/or justified ? If not, to what relief the workman is entitled ?”

2. The workman in his statement of claim has averred that he was working as a Clerk-*cum*-Cashier in the management Society with effect from the 25th April 1998 and without any good cause, he was terminated from service with effect from the 5th January 1999 and while taking the extreme action against him, the management did not conduct any enquiry and discharged him from service through a wrong process without any valid ground. Therefore, he prayed to reinstate him in service with back wages.

3. As it appears the workman after his retrenchment had approached the Labour Office and then a conciliation proceeding was taken up, but nothing fruitful could be achieved and then the conciliation officer presented a failure report to the Government and after assessing the entire position the above reference was made to this Court.

4. After receiving the statement of the claim the management side was noticed by Regd. Post with A. D. for filing of his written statement fixing the date to the 12th June 2006. On the said date the Secretary of the management side appeared and prayed for adjournment to file written statement. Hence the case was adjourned to the 5th July 2006 for filing of written statement by management. On the said date the management neither appeared nor filed his written statement, for which the case was subsequently adjourned to the 4th August 2006 and the 5th September 2006 for filing of written statement by the management. But on the said dates the management did not appear nor took any step for filing of the written statement. As a result, the case was posted to the 20th October 2006 for hearing with notice to management. On the date of hearing i.e. the 20th October 2006, the management neither appeared nor took any steps, as such, the management was set *ex parte*. Consequently the workman filed his affidavit evidence which was accepted being unchallenged. In the body of the evidence the workman has stated about the illegal actions taken by the management and prayed for reinstatement in service with full back wages. According to the workman while

removing him they have not given anything in writing and also they have not paid his dues. By looking to the unchallenged testimony of the workman there is no other alternative but to allow the reference in favour of the workman. Hence the following award :—

AWARD

The reference is answered on *ex parte* basis against the management and in support of the workman. The refusal of employment to the workman with effect from the 30th June 2001 is illegal. The management is directed to reinstate the workman in service with full back wages.

Dictated and corrected by me.

P. K. MAHAPATRA
1-1-2006
Presiding Officer
Labour Court, Sambalpur

P. K. MAHAPATRA
1-1-2006
Presiding Officer
Labour Court, Sambalpur

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