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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 4th December 2006

No. 10761—li/1(BH)-7/2003 (Pt.)-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 19th October 2006 in Industrial Dispute Case No. 47 of 2003 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the management of IPISTEEL Ltd. represented by the Managing Director, IPISTEEL Ltd., At/P. O. Gundichapada, Dist. Dhenkanal and its workman Shri Dhaneswar Sahoo, C/o Shri Hadibandhu Sahoo, At Ranihat, Telisahi, P. O. Buxibazar, Dist. Cuttack was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER
LABOUR COURT, SAMBALPUR

INDUSTRIAL DISPUTE CASE No. 47 OF 2003

Dated the 19th October 2006

Present :

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

Between :

The Management of
M/s IPISTEEL Ltd., represented by
the Managing Director, M/s IPISTEEL Ltd.
At/P. O. Gundichapada
Dist. Dhenkanal.

.. First Party—Management

And

Its Workman Shri Dhaneswar Sahoo C/o Shri Hadibandhu Sahoo At Ranihat, Telisahi, P. O. Buxibazar Dist. Cuttack.	..	Second Party—Workman
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Appearances :

For the First Party—Management	..	None
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 for adjudication of the dispute vide memo No. 8196-L.E., dated the 22nd August 2003 scheduled below :—

“Whether the dismissal from services of Shri D. Sahoo, Workman with effect from the 15th December 1993 by the management of M/s IPISTEEL Ltd., Dist. Dhenkanal is legal and/or justified ? If not, what relief is Shri Sahoo entitled to ?”

2. The case of the workman is that he was appointed as Second Hand Furnance on the 9th July 1985 and then he was promoted to the post of 1st Hand Furnance on the 24th February 1987 and while he was discharging his duties sincerely, the management all of a sudden dismissed him from service and while doing so the minimum procedures enumerated in the statute were not followed. It is also the case of the workman that he was not given an opportunity of being heard and the plea that a fair enquiry was conducted is quite false. Further according to the workman after dismissing him the management appointed another person and then he had approached the Labour Department for conciliation but due to non-co-operation of the management the said proceeding also ended in failure. Thereafter the matter was moved to the Government and then it was referred to this Court for adjudication.

3. The management side have challenged the above stand of the workman by filing the written statement. According to the management, the workman instigated the other workers to go on strike and then he was duly charge sheeted and a domestic enquiry was conducted and then he was dismissed from service.

4. After filing of written statement, this Industrial Disputes Case was adjourned for hearing, but on the date fixed the management side remained absent. As it appears the management side remained absent on the 30th August 2006 and the 10th October 2006. On the 10th October 2006 the workman has filed his affidavit evidence and on that day the management side was set *ex parte*. The affidavit evidence was treated as evidence on *ex parte* basis from the side of the workman. In the body of the affidavit the workman has mentioned the facts

and circumstances under which he was dismissed from service. As it is not challenged from the side of the management and there is no rebuttal evidence to challenge it, so the plea taken by the workman is accepted. There is no reason to disbelieve the *ex parte* evidence adduced by the workman. Accordingly, the workman is entitled to get the relief claimed by him. Hence the following award :—

AWARD

The reference is answered on *ex parte* basis in support of the workman and against the management . The dismissal from services of Shri D. Sahoo, workman with effect from the 15th December 1993 by the management of M/s IPISTEEL Ltd., Dhenkanal is illegal and unjustified. The management is directed to reinstate the workman in service within two months hence with full back wages.

Dictated and corrected by me.

P. K. MAHAPATRA
19-10-2006
Presiding Officer
Labour Court, Sambalpur

P. K. MAHAPATRA
19-10-2006
Presiding Officer
Labour Court, Sambalpur

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