

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 183 CUTTACK, TUESDAY, FEBRUARY 6, 2007 / MAGHA 17, 1928

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 4th January 2007

No. 118—li/1(S)-12/2003-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 10th November 2006 in Industrial Dispute Case No. 53 of 2003 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial disputes between the Management of M/s Tata Refractories Ltd., Belpahar and its workman Shri Pitambar Tandia, at Abankela, P. O. Remunda, P. S. Bhasma, Dist. Sundargarh 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. 53 OF 2003
Dated the 10th November 2006

Present :

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

Between :

The Management of .. First Party—Management
M/s Tata Refractories Ltd., Belpahar

And

Its Workman .. Second Party—Workman
Shri Pitambar Tandia
At Abankela, P. O. Remunda
P. S. Bhasma, Dist. Sundargarh

Appearances :

For the First Party—Management	..	Shri R. P. Pradhan, Advocate
For the Second Party—Workman	..	None

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. 9655(6), dated the 1st October 2003 for adjudication of disputes as scheduled below :

“Whether the dismissal of Shri Pitambar Tandia, Ex-Senior Attendant of High Alumina Department from services by the management of Tata Refractories Ltd., Belpahar with effect from the 21st April 2001 is legal and/or justified ? If not, what relief is Shri Tandia entitled to ?”

2. The case of the workman is that he was working as a ‘Helper’ under the management and without any rhyme and reason, a charge-sheet was submitted against him and then by way of a perfunctory domestic enquiry he was held to be guilty and was dismissed from service. According to him, the enquiry was conducted without giving him the opportunities of being heard. In the statement of claim, the workman has also assigned reasons for his periodical absence from duty. To sum up, he has prayed for reinstatement in service with back wages.

3. The management has contested the above claim by stating that he is in the habit of remaining absent from duty which resulted dislocation of company’s work and even on many occasions, he has admitted his mistakes and beg excuse. Further according to the management, he remained absent for 104 days in between the July and November, 2000 and by taking note of lapses committed by him, a charge-sheet was issued and then after conducting a departmental enquiry he was removed from service. To sum up, the management has justified the action taken by it on the workman. After settlement of issues, the fairness of domestic enquiry was taken as a preliminary issue and after hearing the parties it was held to be not fair and proper. It was also held vide order , dated the 30th June 2006 that the opinion of disciplinary authority basing on such departmental enquiry cannot be accepted and the management was allowed to adduce fresh evidence to substantiate the allegations available in the charge-sheet. Accordingly the management side has adduced evidence and during the course of the same, the Chief Manager of Human Resources and Management is examined as M. W. 1. Then the case of the management was closed and then it was posted for evidence from the side of the workman. But on the 19th October 2006 and the 3rd November 2006 the workman remained absent, as a result, vide Order, dated the 3rd November 2006 he was set *ex parte*. Thereafter, the evidence adduced by the M. W. 1 was taken up as evidence of management for consideration. By looking to the evidence adduced by M. W. 1

and by taking note of the pleadings of the parties, I am of opinion that the action taken by the management is not unjustified and illegal. Hence the following award :

AWARD

The reference is answered *ex parte* in favour of the management and against the workman, without any cost. The dismissal of Shri Pitambar Tandia, Ex-Senior Attendant of High Alumina Department from services by the management of Tata Refractories Ltd., Belpahar with effect from the 21st April 2001 is legal and justified and the workman is not entitled to get any relief.

Dictated and corrected by me.

P. K. MAHAPATRO
10-11-2006
Presiding Officer
Labour Court, Sambalpur

P. K. MAHAPATRO
10-11-2006
Presiding Officer
Labour Court, Sambalpur

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