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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 4th January 2007

No. 105-li/1(S)-5/2006-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 15th November 2006 in I. D. Case No. 9/2006 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial disputes between the management of Regulated Market Committee, Balangir and its workman Shri Sitakanta Mishra, Ex-Yardman, son of Gadadhar Mishra, At/P.O. Jogisarda, P. S. Loisinga, Dist. Balangir 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. 9 OF 2006

Dated the 15th November 2006

Present :

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

Between :

The Management of .. First Party—Management
Regulated Market Committee,
Balangir.

And

Its workman .. Second Party—Workman
Shri Sitakanta Mishra, Ex-Yardman,
S/o. Gadadhar Mishra,
At/P.O. Jogisarda, P. S. Loisinga,
Dist. Balangir.

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 & 12 of the Industrial Disputes Act, 1947, vide Memo No. 4489 (5), dated the 6th June 2006 for adjudication of the disputes scheduled below :—

“ Whether the termination of services of Shri Sitakanta Mishra, Yardman with effect from the 1st June 1999 by the management of Regulated Market Committee, Balangir is legal and/or justified ? If not, what relief is Shri Mishra entitled to ?”

2. The workman has moved this Court to reinstate him in service with back wages with the facts that he was discharging his duties to the satisfaction of his superiors but without any rhyme and reason on the 31st May 1999 afternoon, he was informed regarding his disengagement with immediate effect and his approaches to the management for reconsideration were also not taken into account and even after the judgement in the G. R. Case instituted against him, his representation for reinstatement was rejected and as he was removed from service without any service benefits, so the said order of removal may be held to be illegal and he may be reinstated in service with full back wages.

3. The management side did not file the written statement and vide order dated the 8th November 2006, they are set *ex parte* and then the workman has filed his affidavit evidence. In the body of the same he has mentioned the facts and circumstance under which he was removed from service. By taking the note of the same and in absence of any rebuttal evidence, there are good grounds to accept his prayer. The xerox copies of the documents filed by the workman are also lending additional strength to arrive into such a conclusion. It is also forthcoming from the record that while disengaging the workman, the service benefits as provided in the Industrial Disputes Act were also not extended. Hence the following award :—

AWARD

The reference is answered *ex parte* in favour of the workman and against the management. The termination of services of Shri Sitakanta Mishra, Yardman with effect from the 1st June 1999 by the management of Regulated Market Committee, Balangir is held to be illegal and unjustified. The management is directed to reinstate the workman in service with full back wages within two months hence.

Dictated and corrected by me.

P. K. MAHAPATRA
15-11-2006
Presiding Officer
Labour Court
Sambalpur.

P. K. MAHAPATRA
15-11-2006
Presiding Officer
Labour Court
Sambalpur.

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