

# The Orissa Gazette



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## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 30th October 2007

No. 11904—II/1(J) 13/2004-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 24th June 2006 in I. D. Case No. 13 of 2005 of the Presiding Officer, Labour Court, Jeypore to whom the industrial disputes between the Management of the Executive Engineer, Orissa Lift Irrigation Corporation Division, Berhampur and its workman Shri Simanchal Sahoo was referred for adjudication is hereby published, as in the Schedule below:

### SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT  
JEYPORE, KORAPUT

INDUSTRIAL DISPUTE CASE NO. 13 OF 2005

Dated the 24th June 2006

### Present:

Shri R. K. Saran,  
Presiding Officer,  
Labour Court, Jeypore,  
Dist. Koraput.

### Between

The Management of  
Executive Engineer,  
Orissa Lift Irrigation Corporation Division,  
Berhampur, Aska Road,  
At/P. O. Bernampur,  
Dist. Ganjam.

— First Party—Management

### Versus

Its Workman  
Shri Simanchal Sahoo,  
C/o Shri Kailash Chandra Mishra,  
Nehru Nagar -7  
Berhampur-3,  
At/P. O. Berhampur,  
Dist. Ganjam.

— Second Party—Workman

Under Sections 10 & 12 of the Industrial Disputes Act, 1947

### Appearances:

For the Management

None

For the Workman

Shri K. Ch. Mishra, Advocate, Berhampur

Date of Argument .. The 21st June 2006  
Date of Award -- The 24th June 2006

## AWARD

This is a reference under Section 10 (1) read with Section 12 (5) of the Industrial Disputes Act, 1947 made by the State Government of Orissa in their Labour & Employment Department Memo No. 9121 (4), dated the 27th October 2005 for adjudication of, the dispute mentioned below:

"Whether the termination of service of Shri Simanchal Sahoo, N. M. R., Pump Helper by way of refusal of employment with effect from the 4th October 2000 by the Executive Engineer, O.L.I.C. Division, Aska, Berhampur, Ganjam is legal and/or justified? If no, what relief is Simanehal Sahoo entitled to?"

2. The second party-workman in order to prove his case he has filed an affidavit stating that he has been engaged as a N. M. R., Pump Helper with effect from the 11th July 1990 but without any reason. His service was terminated by the Management from the 4th October 2000 and worked continuously up to the 3rd October 2000 without any reason and without giving him any benefits. The second party-workman raised the dispute which has been subsequently referred to this Court for adjudication.

3. In spite of valid notices the first party-management did not appear nor contested the case and as such he is set-*ex parte*.

4. The dependant has already stated above supports his case by filing an affidavit and there is no reason to disbelieve it. Therefore the only conclusion is, the workman has been illegally terminated by the management and he is entitled to the reliefs claimed.

5. The action of the management of the Orissa Lift Irrigation Corporation Division, Berhampur in terminating the service of Shri Simanchal Sahoo, N. M. R. Pump Helper with effect from the 4th October 2000 is held illegal and unjustified and he is entitled to full back wages and reinstatement immediately.

Dictated and corrected by me.

R. K. SARAN

24-6-2006

Presiding Officer  
Labour Court  
Jeypore

R. K. SARAN

24-6-2006

Presiding Officer  
Labour Court  
Jeypore

By order of the Governor

N. C. RAY

Under-Secretary to Government