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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 3rd December 2007

No. 13034-li/1(j)-1/2006 -L. E.-In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 7th July 2007 in I. D. Case No. 4 of 2006 of the Presiding Officer, Labour Court, Jeypore to whom the industrial dispute between the Management of J. K. Paper Ltd., Jaykaypur, Dist. Rayagada and its workmen represented through J. K. Paper Mazdoor Sangh, Jaykaypur was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

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

INDUSTRIAL DISPUTE CASE NO. 4 OF 2006

Dated the 7th July 2007

Present :

Shri G. K. Mishra, O.S.J.S. (Jr. Branch)
Presiding Officer, Labour Court,
Jeypore , Dist. Koraput.

Between :

The Vice President (works) .. First Party-Management
J. K. Paper Ltd.,
At/P.O. Jaykaypur
Dist. Rayagada.

Versus

The General secretary .. Second Party-Workman
J. K. Paper Mazdoor Sangha,
At/P.O. Jaykaypur
Dist. Rayagada.

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

Appearances :

For the both parties	..	None
Date of Award	..	7-7-2007

The Government of Orissa, in the Labour & Employment Department in exercise of the powers conferred upon them under Sub-section (5) of Section 12 read with clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947) have referred the following disputes vide their order No. 2396 (5) dated the 16th March 2006 for adjudication of the following disputes:—

SCHEDULE

“Whether the declaration of lockout in respect of Shri R. K. Jena, Shri P. Gopinath, Shri K. Satyanarayan, Shri A. K. Sahani, Shri M. L. Narasimham, Shri Umeswar Singh , Shri U. Ch. Pandit, Shri N. Nayak, Shri P. Jagga Rao and Shri P. P. Somu Naidu with effect from the 5th October 2004 to 21st October 2004 by the Chief Executive (Works), J.K. Paper Mills, Jaykaypur, Dist. Rayagada is legal and/or justified ? If not, to what relief are these workers entitled ?”

AWARD

2. This is a case is put up today as per the order. It appears from the order sheet of the record that in spite of several opportunities given to the petitioner (Workman) for filing claim statement the Workman neither enter his appearance nor sent the claim statement as per direction of the Government. The opportunity given to the workman being foiled, the court *suo moto* intimated the workman about his right accrued at the instance of the Government by, virtue of Registered post the presumption can be draw regarding the proper despatch of the letter as revealed from the postal receipt attached. So also the receipt of the letter by the workman can be imfered. Accordingly the service of notice sent to the workman is considered to be sufficient. No fruitful purpose would be served by giving further opportunity . There is a mandate to dispose of the case within six weeks. For that purpose the Government has drawn his attention to file statement of claim within 15 days. Simultaneously, the Court power has been fettered in giving further time which has been confirmed with three adjournments.

Therefore, I am fully satisfied that there is nothing left to continue the proceeding than entelling ends dismissal. Accordingly there is no justification to pass an Award on the issue referred.

Hence 'No Dispute Award' passed accordingly.

Dictated and corrected by me.

G. K. MISHRA
7-7-2007
Presiding Officer
Labour Court, Jeypore Koraput

G. K. MISHRA
7-7-2007
Presiding Officer
Labour Court, Jeypore, Koraput

By order of the Governor
P. MALLICK
Under-Secretary to Government