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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 24th April 2007

No.3860-1i/1(S)-7/2005/LE.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the award dated the 20th March, 2007 in I.D. Case No. 13/ 2005 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial disputes between the Management of M/s. Telkoi LAMPS, Telkoi Keonjhar, District-Keonjhar and its workman Shri Gobinda Chandra Pradhan, Vill- Kalanda, P.O.- Parjanpur, Via- Jhumpura, Dist.- Keonjhar 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. 13 of 2005

Dated the 20th March, 2007.

Present:

Shri P. K. Mohapatro, L.L.B.,
Presiding Officer,
Labour Court,
Sambalpur.

Between:

The Management of
M/s. Telkoi LAMPS, Telkoi,
Keonjhar,
Dist: Keonjhar.

... First-Party—Management.

AND

Its Workman
Shri Gobinda Ch. Pradhan,
Vill-Kalanda, P.O.- Parjanpur,
Via-Jhumpura,
Dist: Keonjhar.

... Second-Party — Workman.

Appearances :

For the First-Party—Management. ... Shri Jaladhar Soren,
In-charge M.D.

For the Second-Party—Workman. ... Self.

AWARD

1. This case arises out of the reference made by the Government of Orissa, Labour and Employment Department U/s. 10 & 12 of the Industrial Disputes Act, 1947 vide Memo. No. 7228(5), Dated the 24th August 2005 for adjudication of disputes scheduled below :—

“ Whether the retrenchment of service of Shri Gobinda Chandra Pradhan, Ex-collector Peon of Telkoi LAMPS, Telkoi with effect from 1st August 1998 by the Management Telkoi, LAMPS, Telkoi, Keonjhar is legal and/or justified ? If not, to what relief Shri Pradhan is entitled ?”

2. It is the specific stand of the workman that he was absorbed under the Management as a ‘Collection Peon’ on 1st January 1979 and continued as such for a period of 19 years, but in the year 1989 on one occasion due to his ill health could not attend the personal work of the Managing Director of the Management and then employment was refused and the Managing Director of the Management engaged another person in his post. According to the workman, he then approached the District Labour Officer and after due discussion there was a settlement in between him and the Managing Director of the Management and then he was again absorbed as a Collection Peon. Then on 1st August 1998, the Managing Director of the Management without complying the statutory requirements retrenched him from service and he then moved the appropriate Government through Labour Department for suitable action and then the present reference is transmitted to this Court for adjudication. In his statement of claim the workman has prayed for answering the reference in his favour as according to him, his termination from service is illegal and without any good ground.

3. The Managing Director of the Management has contested the above claim by stating that he was appointed as a Collection Peon on 1st January 1979, but he continued in that post till 17th October 1979 and thereafter he absconded and then joined on duty on 1st February 1990. In the written statement it is specifically averred by the Management that he continued up till 31st July 1998 as per the settlement between them in presence of the District Labour Officer and in view of the decision of the Government, the Managing Committee of the management in their resolution No. 6 dated the 4th February 1998 retrenched him alongwith other three employees from service. In Para-4 of their written statement it is averred by the Management that the security amount deposited by the workman was refunded to him with interest and then retrenchment benefit to the tune of Rs. 3120/- (pay of four months) calculated @ 15 days per year of service was paid to him. To sum up, the Managing Director of the Management has justified the action taken by them and prayed for dismissal of the I.D. Case.

4. By taking note of the pleadings of the parties, the following issues are settled for adjudication in this case.

ISSUES

- i. “Whether the retrenchment of service of Shri Gobinda Chandra Pradhan, Ex-Collector Peon of Telkoi LAMPS, Telkoi with effect from 1st August 1998 by the Management Telkoi LAMPS, Telkoi Keonjhar is legal and justified ?
- ii. To what relief, the workman Shri Pradhan is entitled ?”

5. During the course of hearing the workman is only examined from his side and the present Managing Director of the Management is only examined to substantiate the plea taken by the Management. The workman has filed xerox copy of the memorandum of settlement between the Managing Director of the Management and him (Ext.1) and xerox copy of the security deposits collected from the employees (Ext.2) to buttress his claim. The workman has also filed xerox copies of other documents, but those are not proved as per legal requirements and in view of it, the same cannot be judicially noted.

FINDINGS

6. Issue No.i :- It is the admitted case of the parties that the workman was appointed as a Collection Peon under the Management on 1st January 1979. Both parties in their pleadings have also admitted the memorandum of settlement arrived in between them on 30th December 1989. As per the terms of settlement the present workman was reinstated in service. So the plea of the Management that in consequence to Ext.1 the workman was reappointed in service on 1st February 1990 sounds probable. It is also admitted case of the parties that he was retrenched from his post on 31st July 1998. The Industrial Dispute raised in this case relates to the order of retrenchment from his post by the Managing Committee of Telkoi LAMPS. In the written statement the Managing Director has averred that retrenchment notice was issued to him on 30th June 1998 and it was affected from 31st July 1998. It is admitted by the workman that he had received an amount of Rs. 8024/- pertaining to his security deposit. The Managing Director in his evidence has stated about this aspect. Further according to him retrenchment benefit was calculated @ 15 days per year and amount of Rs. 3120/- was paid to him. After taking note of the evidence of both parties it is well forthcoming that the workman has received his security deposit and retrenchment compensation. From Ext.1 it is forthcoming that the workman has relinquished his previous claim. So, the benefits extended to him is in consonance with the statutory requirements and there is no reason to differ with the decision taken by the Managing Committee of the Management . The workman at the time of argument has insisted for payment of previous security deposits and in this connection, he has given emphasis to Ext.2. According to the M.W.1 the said amount was also given to him and it is included in the lump sum amount paid to him on 10th September 1998. As such no additional benefit need be extended to the workman and the order of retrenchment can be held to be legal. Issue No.i is answered accordingly .

7. Issue No. ii :- In view of my conclusion as arrived above the workman is not entitled to get any other relief from the Management. Hence the following award.

AWARD

The reference is answered on contest. The retrenchment of service of Shri Gobinda Chandra Pradhan, Ex-Collection Peon of Telkoi LAMPS, telkoi with effect from 1st August 1998 by the Management Telkoi, LAMPs, Telkoi, Keonjhar is held to be legal and justified and the workman is not entitled to get any relief in this case.

Dictated and corrected by me.

Shri P. K. Mohapatro,
Dt.20-03-2007
Presiding Officer,
Labour Court,
Sambalpur.

Shri P. K. Mohapatro,
Dt.20-03-2007
Presiding Officer,
Labour Court,
Sambalpur.

By order of the Governor

N. C. RAY
Under-Secretary to Government