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EXTRAORDINARY

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LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

The 16th May 2007

No.4836-1i/1(J)-22/05/L.E.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 26th May, 2006 in I.D. case No.18/2005 of the Presiding Officer, Labour Court, Jeypore to whom the industrial dispute between the Management of Central Home for Women, Berhampur, District Ganjam and its workman Shri Bira Kishore Pattnaik 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.18 OF 2005

Dated The 26th May, 2006

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

Between : The Management of
Central Home for Women, Berhampur,
Near R.D.C. Bunglow, Berhampur.
At/P.O.- Berhampur
Dist- Ganjam. .. First Party—Management

AND

Its Workman
Shri Bira Kishore Pattnaik, Ex-Guard
C/o. Shri Simanchal Pattnaik
Qr. No. Ir/25, R.D.C. Colony
At/P.O.-Anukuli, Via-Berhampur,
Dist-Ganjam. .. Second Party—Workman

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

Apperance:

For the Management	.. None
For the Workman	.. Shri Kailash Chandra Mishra Advocate, Berhampur
Date of Argument	.. 18-05-2006
Date of Award	.. 26-05-2006

AWARD

1. This is a reference U/s 10(1) read with Section 12(5) of the Industrial Disputes Act, 1947 made by the State Government of Orissa in their Labour and Employment Department Memo No. 9066 (4), dated the 27th October 2005 for adjudication of disputes mentioned below:—

SCHEDULE

“whether the termination of services of Shri Birakishore Pattnaik, Guard by the Management of Central Home for Women, Berhampur Dist- Ganjam with effect from 28th December 2002 is legal and/or justified ? if not, to what relief the workman Shri Pattnaik is entitled ?”

2. The second party workman appears and files claim statement. Notice was duly served on the Management. In spite of valid notice the Management neither appeared and contested the matter.

3. The second party workman was filed affidavit statement that he was getting daily wage @ Rs. 30/- from 26th March 1998. But he was illegally removed from service from 18th May 2002. He was submitted that the action of the Management is whimsical and prays that, she is to be reinstated with full back wages. Since the first party Management neither appeared nor contested the matter the only conclusion done by the Court that he has no interest to proceed with the case the workman’s claim is genuine. This being the situation, it is observed that the action of the first party Management is unjustified and illegal and the workman has a fair case.

4. Therefore, it is ordered, that workman be reinstated in his previous post and the Management is directed to pay half of the back wages from the date he has been terminated since, he is reinstated.

Dictated and corrected by me. _____

R.K. Saran
(26-05-2006)
Presiding Officer
Labour Court
Jeypore.

R.K. Saran
(26-05-2006)
Presiding Officer
Labour Court
Jeypore.

By order of the Governor

N.C. RAY

Under-Secretary to Government