

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1025, CUTTACK, TUESDAY, MAY 27, 2008/ JAISTHA 6, 1930

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 3rd May 2008

No.5252-1i/1(B)-4/2003/LE.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 9th April, 2008 in Industrial Disputes Case No.16/2003 of the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the industrial dispute between the Management of M/s. Paradeep Phosphates Limited, Paradeep and their workmen represented through Paradeep Phosphates Staff Association was referred for adjudication is hereby published as in the scheduled below:—

SCHEDULE

INDUSTRIAL TRIBUNAL, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO.16/2003

The 9th April, 2008

Present : Shri Srikanta Nayak, O.S.J.S. (Sr. Branch),
Presiding Officer,
Industrial Tribunal,
Bhubaneswar

Between: The Management of
M/s. Paradeep Phosphates Limited,
Paradeep.

.. First-Party—Management

And

Their workmen represented
through Paradeep Phosphates Staff
Association & Paradeep Phosphates
Employees' Union, Paradeep.

.. Second-Party—Workman

Appearances : Shri M.R. Panda, Manager (Law) .. For the First-Party—Management

None

.. For the Secone-Party—Workman

AWARD

The Government of Orissa in the Labour & Employment Department in exercise of the power 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 for adjudication vide their Order No. 12391-li-1(B)-4/2003//LE., dated the 29th December 2003 :—

1. "Whether the action of the Management of M/s. Paradeep Phosphates Limited, Paradeep in reducing the prevailing retirement age limit from 60 years to 58 years through its Office Order No. 1005/0223, dated the 17th July 2002 amounts to infraction of Section 9-A of the Industrial Disputes Act and whether such action of the Management is legal and/or justified ?"
2. "Whether the action of the Management of M/s. Paradeep Phosphates Limited, Paradeep in retiring S/Shri (1) M.S. Kanwasi, (2) Om Prakash, (3) Mastilal Choudhury, (4) T.S. Rout and Sitaram with effect from 31st August 2002 instead of allowing them to continue in service up to 60 years of age is legal and/or justified ? If not, what relief are they entitled to?"

2. Today being the date fixed for hearing, the Unions presenting the second party-workmen are found absent on repeated called and no step is also taken on their behalf. The conduct of the Second Party Workmen leads me to draw an inference that they are

no more interested in the 'lis'. In absence of any evidence on record, the reference cannot be answered in any manner. Hence, a no dispute award is passed in so far as the present reference is concerned.

Dictated and Corrected by me

Srikanta Nayak

dt. 09-04-2008

Presiding Officer,

Industrial Tribunal,

Bhubaneswar.

Srikanta Nayak

dt. 09-04-2008

Presiding Officer,

Industrial Tribunal,

Bhubaneswar.

By order of the Governor

P. MALLICK

Under-Secretary to Government