

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 3 CUTTACK, TUESDAY, JANUARY 1, 2008 / PAUSA 11, 1929

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 11th December 2007

No. 13269—li/1(J)-10/2003-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 2nd August 2007 in Industrial Dispute Case No. 11 of 2003 of the Presiding Officer, Labour Court, Jeypore to whom the industrial dispute between the Management of Shri K. Venkat Rao, Contractor, Ballarpur Industries Limited, (Unit Sewa), Gaganpur, Jeypore, Koraput and its Workman Shri Tikina Patnaik represented through General Secretary, Ballarpur Industries Limited, Unit Sewa Paper Mill Mazdoor Sangha, Jeypore, Koraput 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. 11 OF 2003
Dated the 2nd August 2007

Present :

Shri G. K. Mishra, o.s.j.s. (Jr. Branch)
Presiding Officer, Labour Court
Jeypore, Dist. Koraput.

Between :

Shri K. Venkat Rao, Contractor . . First Party—Management No. I
Ballarpur Industries Limited, (Unit Sewa)
Gaganpur, P.O. Jeypore, Dist. Koraput.

The C.G.M., BILT Unit Sewa . . First Party—Management No. II
Gaganpur, At/P.O. Jeypore
Dist. Koraput.

Versus

Its Workman represented through . . . Second Party—Workman
 The General Secretary
 Ballarpur Industries Limited, Unit Sewa
 Paper Mill Mazdoor Sangha
 At/P.O. Jeypore, Dist. Koraput.

Under Sections 10 and 12 of the Industrial Disputes Act, 1947.

Appearances :

For the Management No. I	..	Shri K. N. Samantaray Advocate, Jeypore.
For the Management No. II	..	Shri C. R. Bahinipati A/R of the M/s. BILT.
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For the Workman	..	Shri B. V. Ramana A/R of the Workman.
Date of Argument	..	30-7-2007
Date of Award	..	2-8-2007

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. 6719(5), dated the 15th July 2003 for adjudication of the following dispute :—

SCHEDULE

“Whether the termination of services of Shri Tikina Patnaik by Shri K. Venkat Rao, Contractor, Ballarpur Industries Limited, (Unit Sewa) Paper Mill, Gaganpur, Jeypore, District Koraput with effect from the 22nd August 2002 is legal and/or justified ? If not, to what relief is Shri Patnaik entitled ?”

AWARD

2. This is a case originated under reference mooted by the Government for determination of the illegality in termination effected at the act of the Sewa Paper Mill coupled with any relief to be granted in favour of the contractor.

3. The Management is challenging the plea of the workman contended *inter alia* that the job accepted by the workman is purely temporarily and for a fixed period for which he can not accrue as a right to be reinstated.

4. Before advertising to the determination of issue in hand both parties appeared to have come to the Court with settlement amicably effected between the parties with the condition to pay compensation to the workman instead of reinstatement on account of the closure of the establishment which has been agreed to by the workman, the compensation amount of Rs. 50,000 (Rupees fifty thousand) only as settled seems to have been received by the workman by executing a hand note with his endorsement on the 16th March 2007 in the presence of

parties counsels. As a matter of fact where there is a closure question on reinstatement is not possible other than payment of compensation which is quite reasonable in order to safeguard the interest of the workman. The management having conceived the termination to be unjustified agreed to provide compensation to the workman. The settlement effected between the parties is considered to be reasonable for which nothing can be said that any fraud has been practised in respect of the workman. The settlement being emerged out by the united efforts, the parties reflected with true intention nurning the cause of the parties is taken as portion of the issues to be decided. There being an effect of proper compliance of the true provision of the law by the act of the management and as the workman has been satisfied with the settlement befitting to his claim, there is no need to determine the issue so referred by the Government. Accordingly, issue is impliedly answered and no relief is required to be granted since relief in accordance with the law has been granted by the management to the workman.

ORDER

5. The reference is answered and the award is passed in terms of the settlement.

Dictated and corrected by me.

G. K. MISHRA
2-8-2007
Presiding Officer
Labour Court, Jeypore

G. K. MISHRA
2-8-2007
Presiding Officer
Labour Court, Jeypore

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