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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 12th December 2007

No. 13368–li/1(J)-18/2005-L. E.–In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 30th June 2007 in Industrial Dispute Case No. 17 of 2005 of the Presiding Officer, Labour Court, Jeypore to whom the industrial disputes between the Management of M/s Laxmi Ganesh Bus Service, Paralakhemundi, District Gajapati and its workman Shri Sadananda 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. 17 OF 2005

Dated the 30th June 2007

Present :

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

Between :

The Management of
M/s Laxmi Ganesh Bus Service
At Bhawani Talkies Street
P.O. Paralakhemundi
District Gajapati.

.. First Party—Management

Versus

Its workman Shri Sadananda Pattnaik Ex-Conductor S/o Late Kamalalochan Pattnaik At Kasinagar Road P.O. Paralakhemundi, District Gajapati.	.. Second Party—Workman
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Under Sections 10 and 12 of the Industrial Disputes Act, 1947

Appearances :

For the Management	.. Shri Janaki Ballav Sahu, Advocate, Jeypore.
For the Workman	.. Shri B. Padhy, Advocate, Jeypore.
Date of Award	.. 30-6-2007

The Government of Orissa in the Labour & Employment Department in exercise of the powers conferred upon them under sub-section (5) of Section 12 readwith 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. 9101(4), dated the 27th October 2005 for adjudication of the following disputes :—

“Whether the termination of services of Shri Sadananda Pattnaik, Bus Conductor with effect from the 1st August 2004 by the Employer of M/s Laxmi Ganesh Bus Service, Paralakhemundi, District Gajapati is legal and/or justified ? If not, to what relief the workman is entitled ?”

AWARD

The Advocates for both parties remain present on the date of hearing. The workman through his representing lawyer filed an affidavit containing a settlement entered into between the parties on receipt of amount of Rs. 5,000 to drop the proceeding against the management, without incurring any prejudice to his interest or any claim of right in future. In support of the affidavit version two money receipts have been filed showing one to have been signed by the workman himself and other shown to have been signed by the workman himself in presence of the President, Bus Owner’s Association, Paralakhemundi and authorised representative of the Management K. J. Rao in token of receipt of settled money. Apart from that the terms of settlement effected between parties being signed by them has also been furnished showing

their full and complete intention to arrive at a final settlement. This petition has been identified and endorsed by their respective lawyers. In the settlement, the second party has waived his past and future claim on receipt of Rs. 5,000. The workman has also intended not to press the dispute henceforth on basis of the settlement. The cumulative effect of the verification of different documents conclusion is inevitable that the settlement effected between the parties is emerged out of fruitful consideration and genuiness of it shall easily be attached with, for which the settlement effected between the parties being vouchsafed by co-related, genuine and admitted documents, may do form part of the Award.

2. The workman on basis of the settlement accepted the first party Management plea of the non-continuity of his service and the disentitlement of reinstatement in the service without any back wages for which the Court is constrained to opine that the termination of the workman from the service is legal and his claim of back wages is not entertained. There being the dispute settled in favour of the management and the management sympathetically considered the demand of compensation as enumerated in the settlement deed the workman is entitled to receive of Rs. 5,000 from the management and the amount of compensation having already been received by the second party workman the relief as deemed proper has been satisfied in presence of both the parties.

Hence the Award is passed accordingly.

Dictated and corrected by me.

G. K. MISHRA
30-6-2007
Presiding Officer
Labour Court, Jeypore, Koraput

G. K. MISHRA
30-6-2007
Presiding Officer
Labour Court, Jeypore, Koraput

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