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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 28th January 2008

No. 794—li/1(B)-84/1999-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 17th October 2007 in Industrial Disputes Case No. 65 of 1999 of the Presiding Officer, Labour Court, Bhubaneswar to whom the Industrial Disputes between the Management of M/s Eastern Metal & Ferro Alloys Ltd., Haridaspur, District Jajpur and its workman Shri Narendra Satapathy was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 65 OF 1999

Dated the 17th October 2007

Present :

Shri S. K. Mohapatra, o.s.j.s. (Jr. Branch),
Presiding Officer, Labour Court,
Bhubaneswar.

Between :

The Management of M/s Eastern Metal & Ferro Alloys Ltd., Haridaspur. First Party—Management

And

Their Workman Second Party—Workman
Shri Narendra Satapathy.

Appearances :

For the First Party–Management	..	None
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For the Second Party–Workman himself	..	Shri N. Satapathy

AWARD

The Government of Orissa, Labour & Employment Department referred the present dispute between the management of M/s Eastern Metal & Ferro Alloys Ltd., Haridaspur and their workman Shri Narendra Satapathy under Notification No. 5323-L. E., dated the 18th May 1998 vide memo No. 9316(5)-L. E., dated the 15th July 1999 for adjudication by the Court.

2. The terms of reference by the State Government is as follows :

“ Whether the retrenchment of Shri Narendra Satapathy, Office Peon from service with effect from the 24th November 1997 by way of refusal of employment by the management of M/s Eastern Metal & Ferro Alloys Ltd., At/P.O. Haridaspur, District Jajpur is legal and/or justified ? If not, what benefit Shri Satapathy is entitled to get ?”

3. The case of the workman in brief is as follows :

The workman was working as Office Boy under the management since the 1st January 1981 on a consolidated salary of Rs. 240 per month. Subsequently his salary was raised to Rs. 1,450 per month. Although the workman was discharging his duty sincerely, the management terminated his service by way of refusal of employment with effect from the 24th November 1997. The management arbitrarily retrenched the workman from service without complying the provision under Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as the Industrial Disputes Act). On these averments, the workman has claimed for his reinstatement in service with full back wages.

4. The management has been set *ex-parte* vide order, dated the 12th December 2000.

5. The workman W.W. 1 in his evidence has deposed that he joined the service of the management in the year 1981. He proceeded on leave since June, 1997 to November, 1997 after submitting his leave application. According to W. W. 1 on the 24th November 1997 when he submitted his joining report along with the medical certificate, the Managing Director of the management did not accept the joining report and disclosed that the service of the workman had already been terminated. There was no domestic enquiry against the workman and the management did not follow the procedures laid down in the Industrial Disputes Act before retrenchment of the workman from his service.

6. The workman has not proved any document whatsoever to show that he was really under the employment of the management and that he had rendered more than 240 days of service during the period of 12 months preceding to the date of his retrenchment. In the absence of any documentary evidence in the matter, the self-serving oral evidence of W. W. 1 cannot be regarded as conclusive and therefore, it is held that the retrenchment of service of the workman with effect from the 24th November 1997 by the management is legal and justified and consequently the workman is not entitled to any relief whatsoever.

The reference is answered accordingly *ex parte*.

Dictated and corrected by me.

S. K. MOHAPATRA
17-10-2007
Presiding Officer
Labour Court, Bhubaneswar

S. K. MOHAPATRA
17-10-2007
Presiding Officer
Labour Court, Bhubaneswar

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