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## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 28th January 2008

No. 799—li/1(B)-58/2001-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 3rd October 2007 in Industrial Disputes Case No. 47 of 2001 of the Presiding Officer, Labour Court, Bhubaneswar to whom the Industrial Disputes between the Management of the Executive Engineer, P. H. Division No. I, Bhubaneswar/Assistant Engineer, P. H. Subdivision, Bhubaneswar and its Workman Shri Pramod Kumar Behera was referred for adjudication is hereby published as in the Schedule below :

#### SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 47 OF 2001

Dated the 3rd October 2007

*Present :*

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

*Between :*

The Executive Engineer,  
P. H. Division No. I, Unit-V,  
Bhubaneswar/Assistant Engineer,  
P. H. Subdivision, Unit-III,  
Bhubaneswar. .. First Party—Managements

And

Shri Pramod Kumar Behera,  
C/o Shri Alekh Ch. Lenka,  
Quarters No. F-238,  
New O.C.C. Office,  
Unit-VIII, Bhubaneswar. .. Second Party—Workman

*Appearances :*

For the First Party—Managements . . . Shri S. C. Mishra

For the Second Party—Workman himself . . . Shri P. K. Behera

## AWARD

The Government of Orissa in the Labour & Employment Department in exercise of powers conferred upon them by 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 dispute for adjudication vide their Order No. 15088—li/1 (B)-58/2001-L. E., dated the 22nd October 2001:—

“Whether the termination of services of Shri Pramod Kumar Behera, H. R. Unskilled Labour with effect from the 8th June 2000 by way of refusal of employment by the management represented by the Executive Engineer, P. H. Division-I, Bhubaneswar/Assistant Engineer, P. H. Subdivision, Unit-III, Bhubaneswar is legal and/or justified? If not, what relief Shri Behera is entitled to?”

2. The workman and the representative of the management are present. The case is posted today for hearing of the case.

At this stage, both the parties filed a memorandum of settlement drawn up in Form ‘K’ along with 7 copies and prayed to pass an Award in terms thereof. The terms of settlement are read over and explained to both the parties and they admitted the same to be true and correct.

In view of the compromise the dispute vide Industrial Disputes Case No. 47/2001 was amicably settled out of the Court and in the meanwhile the workman has already been re-engaged as H. R. with effect from April 2002 onwards.

It is also agreed by both the parties that the workman will not claim any service benefit between the period of his disengagement, i.e. from the 8th June 2000 to March, 2002. The settlement being fair, is recorded. An Award is passed accordingly and the terms of settlements do form part of the Award.

Dictated and corrected by me.

S. K. MOHAPATRA  
3-10-2007  
Presiding Officer  
Labour Court, Bhubaneswar

S. K. MOHAPATRA  
3-10-2007  
Presiding Officer  
Labour Court, Bhubaneswar

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

**FORM 'K'**

(See Rule 64 )

**MEMORANDUM OF SETTLEMENT**

Name of Parties . . . Executive Engineer, P. H. Division-I, Bhubaneswar  
 Representing employer(s) . . . Assistant Engineer, P. H. Subdivision, Unit-III  
 representing workmen . . . Shri Pramod Kumar Behera

Made part of the Award

S. K. MOHAPATRA

3-10-2007

Presiding Officer, Labour Court  
 Bhubaneswar

**SHORT RECITAL OF THE CASE**

Industrial Disputes Case No. 47/2001

Termination of services of Shri Pramod Kumar Behera, H. R. Unskilled Labour with effect from the 8th June 2000 by way of refusal of employment by the management and prayer by the workman for passing an Award for reinstating the workman with full back wages and continuity of service with all service benefits.

**TERMS OF SETTLEMENT**

1. The workman has raised a dispute vide Industrial Disputes Case No. 47/2001 which was amicably settled out of the Court. In the meanwhile the workman has already been re-engaged as H. R. with effect from April, 2002 onwards.
2. It also agreed by both the parties that the workman will not claim any service benefit between the period of his disengagement, i.e. from the 8th June 2000 to March, 2002 before any other Court of Law.

**WITNESSES :**

1. [ ILLEGIBLE ]  
 Dt. 22-8-2007.  
 A.E., P.H. Subdivision, Unit III,  
 Bhubaneswar.

2. SUDHIR CH. PANIGRAHI, L. V. D.  
 Dt. 22-8-2007.

**SIGNATURE OF THE PARTIES**

[ ILLEGIBLE ]  
 Executive Engineer, P. H. Division-I,  
 Bhubaneswar.

PRAMOD KU. BEHERA  
 Dt. 22-8-2007.