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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 28th January 2008

No. 829—li/1(BH)-23/1998-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 26th October 2007 in I. D. Case No. 56/1999 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of the District Transport Manager(Admn.), O.S.R.T.C., Dhenkanal and its Workman Shri Sahadev Das was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 56 OF 1999

Dated the 26th October 2007

Present :

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

Between :

The Management of District,
Transport Manager (Admn.),
O.S.R.T.C., Dhenkanal. . . First Party—Management

And

Its Workman . . . Second Party—Workman
Shri Sahadev Das.

Appearances :

None	..	For First Party—Management
Shri Sahadev Das	..	For Second Party—Workman himself

AWARD

The Government of Orissa, in the Labour & Employment Department referred the present dispute between the management of District Transport Manager (Admn.), O.S.R.T.C., Dhenkanal and its workman Shri Sahadev Das, under Notification No. 5323-L.E., dated the 18th May 1998 vide Memo. No. 8598(5)-L.E., dated the 29th June 1999 for adjudication by this Court.

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

“Whether the punishment of recovery of an amount of Rs. 3,094.50 from the salary of Shri Sahadev Das, Store Keeper, Gr. I, O.S.R.T.C., Dhenkanal by the management of District Transport Manager (Admn.), O.S.R.T.C., Dhenkanal is genuine and justified ? If not, to what relief Shri Das is entitled ?”

3. Shorn of all un-necessary details, the case of the workman is as follows :

The workman had been working as a Store Keeper, Gr. I, under the management of District Transport Manager (Admn.), O.S.R.T.C., Dhenkanal (hereinafter referred to as the management). On the 29th December 1992 the management called for an explanation from the workman alleging misappropriation of 75 Litres of Engine Oil amounting to Rs. 3,093.50. The workman submitted his explanation in the matter. Not being satisfied with the explanation of the workman he was asked to refund of Rs. 3,094.50. As against the order of the management the workman preferred an appeal before the Divisional Manager, O.S.R.T.C., Bhubaneswar but his appeal was rejected. Since there was no shortage of Lubricants in the store, the very allegation against the workman was not proper and therefore the same be quashed. The workman raised an industrial dispute before the District Labour Officer, Dhenkanal who started conciliation proceeding which failed and finally culminated in the present reference.

4. The management has been set *ex parte* vide order dated the 20th September 2004.

5. The workman has examined himself as W.W. 1. In his evidence W.W. 1 has stated that he was working as Store Keeper, Gr. I, under the management in the year 1992 during which period the management called for an explanation regarding shortage of 75 litres of Engine Oil in the Store. Ext. 1 is the xerox copy of the order under which the management called for an explanation from the workman. Ext. 2 is the reply of the workman in the matter

and Ext. 3 is the order of the management directing to recover of an amount of Rs. 3,094.50 from the salary of the workman in 20 monthly instalments. In his evidence W.W. 1 has further stated that he preferred an appeal before the Divisional Manager, O.S.R.T.C., Bhubaneswar vide Appeal Memo Ext. 4 but by the time the appeal was decided the then District Transport Manager(Admn.), O.S.R.T.C., Dhenkanal who had passed the order Ext. 3 himself decided the appeal and rejected the same vide his order Ext. 5. The workman has proved Ext. 6 as the xerox copy of the stock verification statement as on the 31st March 1993. According to the workman there was no shortage of Engine Oil. Further evidence of the workman is that the Managing Director of the O.S.R.T.C. being his appointing authority was the only authority to direct recovery of an amount from him and therefore, according to W.W. 1 the order of District Transport Manager vide Ext. 3 is not maintainable.

6. From the very evidence of the workman it is apparent that the District Transport Manager as the controlling authority had verified the store and found shortage of stock of Engine Oil and therefore, the contention of the workman that the order of recovery from the workman by the District Transport Manager is not maintainable cannot be sustained. No material has been placed before me to show that the District Transport Manager had not any authority to order recovery from a Store Keeper and therefore, the reference is answered to the effect that the punishment of recovery of an amount of Rs. 3,094.50 from the salary of the workman by the District Transport Manager (Admn.), O.S.R.T.C., Dhenkanal is justified and therefore, the workman is not entitled to any relief whatsoever.

The reference is answered accordingly *ex parte*.

Dictated and corrected by me.

S. K. MOHAPATRA
26-10-2007
Presiding Officer
Labour Court
Bhubaneswar

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26-10-2007
Presiding Officer
Labour Court
Bhubaneswar

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