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## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 30th June 2009

No. 5788-1i/1(B)-9/99/L.E.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 5th November, 2008 in Industrial Dispute Case No. 190 of 2008 of the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the industrial dispute between the Management of Executive Engineer, Puri P.W.D. (R&B) Division, Puri and Shri Sudarsan Nayak was referred to for adjudication is hereby published as in the scheduled below:—

#### SCHEDULE

INDUSTRIAL TRIBUNAL : BHUBANESWAR  
INDUSTRIAL DISPUTE CASE No. 190 OF 2008  
The 5th November, 2008

*Present:*

Shri Purna Chandra Mishra, O.S.J.S., (Senior Branch),  
Presiding Officer,  
Industrial Tribunal,  
Bhubaneswar.

*Between:*

Executive Engineer,  
Puri P.W.D. (R&B) Division,  
Puri.

.. First-Party—Management

(And)

Shri Sudarsan Nayak,  
S/o- Shri Basudev Nayak,  
At-Sujanpur,  
P.O.-Siruli Mahavir,  
P.S.-Chandanpur,  
Dist-Puri.

.. Second-Party—Workman

*Appearances:*

None

.. For both the parties

**AWARD**

Originally, the Government of Orissa in the Labour & Employment Department had referred the following dispute for adjudication by the Presiding Officer, Labour Court, Bhubaneswar vide its Order No. 4677-Ii/1(B)-9/99/L.E., dated the 6th April, 1999 but subsequently it transferred the dispute to be adjudicated by the Presiding Officer, Industrial Tribunal, Bhubaneswar vide its Order No. 4138-Ii/21-32/2007/L.E., dated the 4th April, 2008.

“Whether the termination of service of Shri Sudarsan Nayak, CLR-Supervisor with effect from 16th January, 1998 by Executive Engineer, Puri P.W.D. (R&B) Division, Puri by way of refusal of employment is legal and/or justified? If no, to what relief Shri Nayak is entitled ?”

2. This case was posted to 23rd October 2008 for *ex parte* argument. Earlier the Management was get *ex parte* vide Order No.7, dated the 26th December, 2000 and thereafter the Workman was asked to lead evidence *ex parte*. Accordingly the Workman examined himself on 28th June, 2001 and remained silent thereafter. He being the claimant in the dispute, sufficient evidence should have been brought on record to substantiate the claim. The evidence adduced is found to be not sufficient to allow the claim of the Workman and further due to his non-appearance and non-prosecution of the case, there is every reason to believe that he is no more interested in the “lis”. So, taking into consideration the aforesaid aspect, a no dispute Award is passed in so far as the present reference is concerned.

Dictated & corrected by me.

P.C. Mishra, O.S.J.S., (Senior Branch),  
05-11-2008  
Presiding Officer,  
Industrial Tribunal,  
Bhubaneswar

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By order of the Governor

K.C. BASKE  
Under-Secretary to Government