

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1145 CUTTACK, MONDAY, AUGUST 10, 2009 / SRAVANA 19, 1931

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 21st July 2009

No. 6672—li/1(J)-11/2001-(Pt.)-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 24th February 2009 in Industrial Dispute Case No. 47 of 2001 of the Presiding Officer, Labour Court, Jeypore to whom the industrial dispute between the Management of M/s. Mangalam Timber Products Limited, Babarangpur, At/P.O./District Nabarangpur and their Workmen represented through K. Purusottam Kumar, General Secretary was referred to 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. 47 OF 2001

Dated the 24th February 2009

Present :

Shri P. K. Jena, o.s.j.s. (Jr. Branch)
Presiding Officer, Labour Court
Jeypore, District Koraput.

Between :

The Management of .. First Party—Management
M/s. Mangalam Timber Products Ltd.
Babarangpur At/P.O. Nabarangpur
Dist. Nabarangpur.

Versus

Its workman represented through .. Second Party—Workman
K. Purusottam Kumar
General Secretary
At/P.O. Nabarangpur, Dist. Nabarangpur.

Under Sections 10 & 12 of the Industrial Disputes Act, 1947

Appearances :

For the Management	..	Self
For the Workman	..	Shri K.Purusottam Kumar General Secretary, A/R of the Mangalam Timber Employees' Union.
Date of Argument	..	13-2-2009
Date of Award	..	24-2-2009

AWARD

This is a reference under Section 10(1), read with Section 12(5) of the Industrial Disputes Act, 1947 made by the State Government of Orissa in their Labour & Employment Department Memo No. 16286(5), dated the 17th November 2001 for adjudication of the dispute mentioned below :

“Whether the action of the management of M/s. MTPL, Nabarangpur regarding deduction of wages of 77 workers (list enclosed) w.e.f. the 4th December 2000 to the 14th December 2000 is legal and/ or justified ? If not, what relief these workers are entitled to ?”

1. Whether the action of the management of M/s MTPL, Nabarangpur for suspension of work of the factory w.e.f. the 18th January 2001 to the 28th Febuary 2001 is legal and/or justified ? If not, what relief the regular workers numbering 128 (list enclosed) are entitled to ?

2. The case of the second party workman opposite party in short is that the workmen were complaining that there is no break in the Forklift Machines which they are operating and they approached the management time and again to repair the same and it was not considered for which the workers abstained from working for which salary of 77 workmen was stopped with effect from the 4th December 2000 to the 14th December 2000 i.e. for 10 (ten) days. Again the management stopped the working of the factory from the 18th January 2001 to 28th February 2001 for which the regular employees numbering 128 as per the list were denied employment.

3. On the other hand, the plea of the management is that, the company was running in heavy loss and with much difficulty they were able to run factory and provide employment to the workmen. It has also been pleaded by the management that the workmen resorted to criminal activities by threatening management staffs and resorting to violance and there was also gross indiscipline and being subordination of staffs for which the management lodged F.I.R. and the work of the factory was stopped. Due to such dispute between the management and the workmen union, the matter was referred to the Labour Officer for conciliation and on its failure. The State Government in the Labour & Employment Department referred the dispute to the Labour Court, Jeypore for adjudication. Accordingly the reference has been received from the Govt. for answer by this Court.

4. By taking into consideration the pleadings of both the parties, Award was passed in the 30th July 2003 in this Court by my predecessor, the then Presiding Officer, Labour Court, Jeypore in favour of workmen but as against the Award of the Lower Court, the management filed a writ petition before the Hon'ble High Court in W.P(c) No. 12324 of 2003 challenging the Award, dated the 30th July 2003 in I. D. Case No.47 of 2001, in which, the Hon'ble High

Court in his findings at the 24th June 2008 quashed the impugned Award and remitted back this matter to the Labour Court, Jeypore for fresh disposal according to law after providing reasonable opportunity to the parties to lead their evidence in support of their claims. Accordingly, after receipt of the order of the Hon'ble High Court notice was issued to both the parties and an opportunity was given to both parties to lead their evidence. During trial when hearing was taken afresh the management examined two witnesses in their favour. Whereas, the workman did not adduce any evidence in favour of them. After closure of the evidence from the side of the management witness Promod Kumar Monanty, M. W. No.1 was recalled for further cross-examination on the 11th February 2009 by the workman. During recall the said witness stated that, they have amicably settled the dispute outside of the Court with the workers, in that amicable settlement between both the parties, the management agreed to pay 25% of the gross amount to the employees as per their discussion. In view of the amicable settlement between the management and the workman union. I do not feel it proper to discuss the evidence in detail adduced by the management.

ORDER

5. In view of the amicable settlement between both parties, the management is directed to pay 25% of the gross amount to the employees as per the schedule within the period of six months of passing of this Award, failing which the workmen have got at liberty to claim the same with interest of 12% per annum from the management .

Dictated and corrected by me.

P. K. JENA
24-2-2009
Presiding Officer
Labour Court, Jeypore

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24-2-2009
Presiding Officer
Labour Court, Jeypore

By order of the Governor
K. C. BASKE
Under-Secretary to Government