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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 30th January 2009

No. 825–li/1(B)-285/1992(pt.)-L. E.–In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 29th December 2008 in Industrial Dispute Case No. 8/1995 of the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the industrial disputes between the Management of Director, Nandankanan Zoological Park, Sahidnagar, Bhubaneswar and their Workman Nandankanan Workers' Union, Nandankanan was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 8 OF 1995

Dated the 29th December 2008

Present :

Shri P. C. Mishra, o.s.j.s. (Sr. Branch),
Presiding Officer, Industrial Tribunal,
Bhubaneswar.

Between :

The Director, Nandankanan Zoological Park .. First Party—Management
“Mayur Bhawan” Sahidnagar, Bhubaneswar.

And

The President, Nandankanan Workers' Union .. Second Party—Workman
Nandankanan, Baranga, Dist. Puri.

Appearances :

For both the parties .. None

AWARD

The Government of Orissa in the Labour & Employment Department in exercise of powers conferred upon them by sub-section (5) of Section 12 readwith 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. 1463—li/1(B)-285/1992-L.E., dated the 28th January 1995.

- A. "Whether the demands of the Union for supply of warm coat and rain coat to each individual workman by the management of Nandankanan Zoo is justified and if so, what direction in this regard is necessary ?"
- B. "Whether the workman of Nandankanan Zoological Park, Barang, Cuttack are entitled to risk allowances and if so, what are the details ?"
- C. "Whether the action of the management of Nandankanan Zoological Park, Barang, Cuttack in depriving the special allowance @ 10% of basic pay of the workmen as per list in the face of payment of the said special allowance to their counterparts working with them is legal and/or justified ? If not, what relief those workmen are entitled to ?"

2. In this case, neither the parties appeared nor took any steps. Perused the memo. filed by the 1st party management on the 14th August 2008 enclosing therewith the copy of the judgement passed in O.J.C. No. 5665 of 1995. In the said judgement, the Hon'ble Court in Para. 14 have held that Nandankanan Zoological Park is not an industry within the meaning of Section 2(J) of the Industrial Disputes Act, 1947. After filing of the memo. by the 1st party management, the second party Union was noticed to have its say in the matter, but said notice returned back with the postal remark "addressee absent".

This is a reference of the year 1995 and in my view, no fruitful purpose will be served by keeping this dispute pending any more.

Keeping in view the conduct of parties and more particularly the verdict of the Hon'ble Court, a "No dispute Award" is passed so far as the present reference is concerned.

Dictated and corrected by me.

P. C. MISHRA
29-12-2008
Presiding Officer
Industrial Tribunal, Bhubaneswar

P. C. MISHRA
29-12-2008
Presiding Officer
Industrial Tribunal, Bhubaneswar

By order of the Governor

K. C. BASKE

Under-Secretary to Government