

# The Orissa Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

---

---

No. 359      CUTTACK,      FRIDAY,      MARCH 13, 2009/FALGUNA 22,      1930

---

---

## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 19th February 2009

No. 1647—li/1(B)-40/2006-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 30th December 2008 in I. D. Case No. 33 of 2005 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of Dr. B.R. Ambedkar Vidyapitha, Bhubaneswar and their workman Miss Sugyani Sahu was referred to for adjudication is hereby published as in the Scheduled below :

### SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 33 OF 2005

Dated the 30th December 2008

*Present :*

Shri M. R. Tripathy,  
Presiding Officer, Labour Court,  
Bhubaneswar.

*Between :*

The Management of Dr. B. R. Ambedkar      .. First Party—Management  
Vidyapitha, Bhubaneswar.

And

Their Workman      .. Second Party—Workman  
Miss Sugyani Sahu.

*Appearances :*

None      .. For the First Party—Management

---

Miss. S. Sahu      .. Second Party— Workman herself

## AWARD

The Government of Orissa in exercise of powers conferred by sub-section (5) of Section 12, read with clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 have referred the dispute between the parties to this Court for adjudication vide Order No. 6307 dated the 25th July 2005 of the Labour & Employment Department, Orissa, Bhubaneswar.

2. The Schedule of reference is as follows :

“ Whether the action of the management of Dr. B. R. Ambedkar Vidyapitha, Jokalandi (Bharatpur), Bhubaneswar in terminating the services of Miss Sugyani Sahu, Clerk with effect from the 9th December 2003 is legal and/or justified ? If not, to what relief the workman Miss Sahu is entitled ?”

3. The case of the workman may be briefly stated as follows :

On being selected by the Managing Committee of the management she was appointed as Clerk on permanent basis in Dr. B. R. Ambedkar Vidyapitha, Jokalandi (Bharatpur), Bhubaneswar on dated the 12th December 2001. She was performing her duty sincerely and there was no adverse remark against her. On the 17th April 2003 the Secretary of the School in connivance with the Headmaster did not allow her to sign in the Attendance Register. So, she brought the fact to the notice of the President of the School. In spite of the direction of the President the Headmaster did not allow her to sign in the attendance register. On the 9th December 2003, the Secretary informed her that her service are no more required. It is complained by her that before her services were terminated no show-cause-notice was issued to her, no charge was framed and no opportunity of hearing was provided to her. She requested the management for her reinstatement in service but no action was taken by the management. So she approached the District Labour Officer, Khurda at Bhubaneswar. Accordingly a conciliation proceeding was initiated but no one from the side of the management appeared in the said conciliation proceeding. Hence the conciliation failed and the matter was referred to this Court for adjudication.

4. The management was set *ex parte*

5. In support of her case the workman examined herself as W.W. 1 and proved certain documents. Ext. 1 is her appointment order, Ext. 2 is the xerox copy of the attendance register, Ext.3 is the xerox copy of her application to allow her to sign in the attendance register, Ext. 4 is the direction of the President to allow her to sign in the attendance register, Ext. 5 is the copy of her representation to the local M. L. A., Exts.6/a, 6/b, 7, etc. are the copies of her representations, Ext. 8 is the xerox copy of her complaint to the District Labour Officer, Khurda at Bhubaneswar.

6. In her affidavit evidence she has reiterated the same facts. The management has not come forward to controvert the facts stated by her, also the documents filed by her have remained unchallenged. On the basis of the statement and documents filed by her it can be safely concluded that she was appointed as Clerk on a consolidated pay of Rs.1,100 per month in Dr. B.R. Ambedkar Vidyapitha, Jokalandi (Bharatpur), Bhubaneswar and while she was continuing in service she was terminated without any reason. The attendance register filed by her proves that she was continuously working under the management from the 12th December 2001 till she was not allowed to sign in the attendance register i.e. 16th April

2003, except holidays. It is stated by her that even President of the School directed to the Headmaster to allow her to sign in the attendance register, the Headmaster did not allow her to put her signature in the attendance register and finally on the 9th December 2003 the Headmaster informed that her services were no more required. In her representations marked as Exts. 6/a,6/b, etc. she has specifically stated that she was going to the School regularly but the Headmaster was not allowing her to sign in the attendance register. As stated earlier the management has not challenged all these facts either by filing written statement or by cross-examining the workman. So, I would say that she was in continuous service for a period of more than one year within the meaning of Section 25-B of the Industrial Disputes Act, 1947 and therefore the management was required to comply the Section 25-F of the Industrial Disputes Act, 1947 while terminating the service on the 9th December 2003. In her statement of claim she has specifically stated that her termination from service is illegal because the termination was made without compliance of the provisions of the Industrial Disputes Act, 1947.

7. In view of the materials filed by the workman, I would say that the action of the management of Dr. B.R. Ambedkar Vidyapitha, Jokalandi(Bharatpur), Bhubaneswar in terminating the services of the workman with effect from the 9th December 2003 is unjustified and illegal. She is entitled to be reinstated in service. As she has actually not performed any work after the 9th December 2003, I would award 50% of her last drawn salary towards back wages.

8. Hence it is ordered :

The management is directed to reinstate the workman in service with 50% back wages within three months from the date of publication of the Award in the Official Gazette, failing which the workman will be entitled to get interest at the rate of 6% per annum on the amount of back wages from the date on which it becomes due till the date of actual payment.

The reference is thus answered accordingly *ex parte*.

Dictated and corrected by me.

M. R. TRIPATHY  
30-12-2008  
Presiding Officer,  
Labour Court, Bhubaneswar

M. R. TRIPATHY  
30-12-2008  
Presiding Officer,  
Labour Court, Bhubaneswar

---

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