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## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 2nd May 2009

No. 4033—li/1(J)-26/2007-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 21st January 2009 in I. D. Case No. 2 of 2008 of the Presiding Officer, Labour Court, Jeypore to whom the Industrial Dispute between the Management of Integrated Child Development Project, Daringibadi, Dist. Kandhamal and its workman Shri Gopal Nayak, Ex-Night Watcher, S/o Late Suresen Nayak, At/P.O.Greenbadi, P.S. Daringibadi, Dist Kandhamal was referred 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. 2 OF 2008

Dated the 21st January 2009

*Present :*

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

*Between :*

The Management of Integrated Child Development Project, Daringibadi, Kandhamal, At/P.O. Daringibadi, Dist Kandhamal.      .. First Party—Management

*Versus*

Its Workman,      .. Second Party—Workman  
Shri Gopal Nayak, Ex-Night Watcher,

S/o Late Suresen Nayak,  
At/P.O. Greenbadi,  
P. S. Daringibadi,  
Dist. Kandhamal.

Under Sections 10 and 12 of the Industrial Disputes Act, 1947.

*Appearances :*

For the Management	..	None
For the workman	..	Self
Date of Argument	..	16-1-2009
Date of Award	..	21-1-2009

AWARD

This is a reference made by the State Government under Section 12(5), read with Section 10 (1) of the Industrial Disputes Act, 1947 vide memo No.1120(5) Labour & Employment Department, dated the 1st February 2008 for adjudication of the following dispute:—

SCHEDULE

“Whether the action of the Child Development Project Officer, Integrated Child Development Project, Daringibadi, Kandhamal in retrenching Shri Gopal Nayak, Ex-Night Watcher from service with effect from the 24th November 2006 is legal and/ or justified ? If not, to what relief Shri Gopal Nayak is entitled to ?”

2. The Workman in order to prove his case has examined as P. W.1 stating that he has been engaged as a Night Watcher under the first party-management with effect from the 1st May 2002 but without any reason his service was retrenched by the Management on the 24th November 2006 and he worked continuously up to 23rd November 2006 without any break or interruption. But the management illegally retrenched his service without any reason and without given him any benefits. The workman raised the dispute which has been subsequently referred to this Court for adjudication.

3. The First party-management though have filed written statement in order to rebute the claim of the workman having failed to appear in the Court on the date fixed in spite of the notice served on him the case was set *ex parte*. During hearing, the workman appears to have given a detail account of the factum under which circumstances he was retrenched from the service. As it is evident from the materials that the workman was engaged as a Night Watcher under the first party-management and continued as such from the 1st May 2002 to the 23rd November 2006 and on the date, i.e. the 24th November 2006 on which he was retrenched from the service by the management on the way of disallowing him to continue in the service. The unchallenged testimony of workman has not been shaken in any manner by the management for which his evidence is believable one.

The action of the management, i.e. Child Development Project Officer, Integrated Child Development Scheme Project, Daringibadi, Kandhamal in retrenching the service of Shri Gopal Nayak, Ex-Night Watcher from service with effect from the 24th November 2006 is held illegal and unjustified.

## ORDER

Ordered that the award is passed in favour of the workman. The management is directed to reinstate the workman within three months from the date of publication of this Award and to pay the back wages from the date of retrenchment, i.e. from the 24th November 2006 till reinstatement of the workman.

The reference is answered accordingly.

Dictated and corrected by me.

P. K. JENA  
21-1-2009  
Presiding Officer,  
Labour Court, Jeypore

P. K. JENA  
21-1-2009  
Presiding Officer,  
Labour Court, Jeypore

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