

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 758 CUTTACK, TUESDAY, JUNE 9, 2009 / JAISTHA 19, 1931

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 22nd May 2009

No. 4594—li/1(BH)-28/2001-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 16th April 2009 in Industrial Dispute Case No. 248 of 2008 of the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the industrial dispute between the Management of M/s. A. B. Engineering, C/o M/s. Birla Tyres, Chhanpur, Balasore. The Factory Manager, M/s. Birla Tyres, Chhanpur, Balasore and its workman Shri Ashok Kumar Jena, At/P.O. Azimabad, Near Durga Mandap U.P. School, Balasore was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE INDUSTRIAL TRIBUNAL, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 248 OF 2008

Dated the 16th April 2009

Present :

Shri P. C. Mishra, O.S.J.S. (Sr. Branch),
Presiding Officer, Industrial Tribunal,
Bhubaneswar.

Between :

M/s. A. B. Engineering, .. First Party—Management
C/o M/s. Birla Tyres,
Chhanpur, Balasore.
The Factory Manager,
M/s Birla Tyres,
Chhanapur, Balasore.

And

Shri Ashok Kumar Jena, .. Second Party—Workman
At/P.O. Azimabad,
Near Durga Mandap,
U. P. School, Balasore.

Appearances :

For both the parties .. None

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. 11236—li/1(BH)-28/2001-L.E., dated the 8th August 2001 but subsequently it transferred the dispute to be adjudicated by the Presiding Officer, Industrial Tribunal, Bhubaneswar vide its Order No. 4138—li/21-32/2007-L.E., dated the 4th April 2008.

“Whether the action of the Management of M/s. A. B. Engineering a Contractor of M/s. Birla Tyres, Chhanpur, Balasore in refusing employment to Shri Ashok Kumar Jena and 7 others workmen (as per list enclosed) with effect from the 31st October 2000 is legal and/or justified ? If not, to what relief they are entitled to ?”

2. In this case, both the parties after filing their respective claim statement and written statement did not appear on the date of hearing. The second party-workman have not tendered any evidence to substantiate their claim, so also the management. In absence of any evidence, therefore it is not possible to answer the reference in any manner. Hence, a “no dispute” award is passed in so far as the present reference is concerned.

Dictated and corrected by me.

P. C. MISHRA
16-04-2009
Presiding Officer
Industrial Tribunal, Bhubaneswar

P. C. MISHRA
16-04-2009
Presiding Officer
Industrial Tribunal, Bhubaneswar

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