



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

*Appearances :*

For the Management	..	None
For the Workman	..	Self
Date of Argument	..	28-3-2009
Date of Award	..	31-3-2009

AWARD

The Government of Orissa in the Labour & Employment Department in exercise of powers conferred upon them under sub-section (5) of Section 12, read with Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following disputes vide their Memo No. 3853(5)—19/1(J)-28/2007, dated the 29th March 2008 for adjudication of the following disputes :—

SCHEDULE

“Whether the action of the Ganjam-Koraput Major Settlement, Phulbani in terminating the services of Shri Brushav Mukhi, Sweeper with effect from the 1st October 2004 is legal and/ or justified ? If not, what relief the workman Shri Mukhi is entitled to ? ”

2. The short case of the second party-workman is that, his mother was working as a Sweeper under Charge Officer, Ganjam-Koraput Major Settlement at Phulbani and quit her Service due to old age. After that the second party-workman requested to the first party-management for appointing him as he is land less and poor and belongs to Scheduled Caste. Considering his representation, the management appointed to the second party-workman with a monthly salary of Rs. 578+D.A.

3. After receiving the reference from the Government in their Labour & Employment Department, several notices has been issued to the first Party-management to participate in the proceeding. In spite of several notices received by the management, the management neither appeared nor participated in the case. Hence the management is set *ex parte*.

4. The second party-workman to prove his case files an affidavit evidence which is not challenged in any manner by the first party-management. In his affidavit evidence the workman stated that, he had worked under the management for the period from the 1st July 1991 to the 30th September 2004 in total period of 13 years and three(3) months with utmost satisfaction of the Authority. But all of sudden, he was not allowed to work by the management on the 1st October 2004.No proceeding has been initiated against him at the time of refusal of his engagement and no notice has been served on the workman. Complying the provision of Section 25-F of the Industrial Disputes Act.

5. Considering the unchallenged testimony of the workman, it is considered that the action of the management in terminating the services of Shri Brushav Mukhi, the workman is illegal and unjustified.

## ORDER

6. The reference is answered as per the above observation in favour of the workman. The management is directed to reinstate the second party-workman in his former post with immediate effect and pay full back wages.

The reference is answered accordingly.

Dictated and corrected by me.

P. K. JENA  
31-3-2009  
Presiding Officer  
Labour Court  
Jeypore

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31-3-2009  
Presiding Officer  
Labour Court  
Jeypore

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