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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 12th July 2010

No. 5689–li/1(B)-195/1995-L. E.–In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 30th April 2010 in I. D. Case No. 89 of 1996 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s. Utkal Sambad Prakashan Pvt. Ltd., A-62, Nayapalli, Bhubaneswar and its workman Shri Narayan Ch. Lenka was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 89 OF 1996

Dated the 30th April 2010

Present :

Shri S. K. Dash, o.s.J.s. (Jr. Branch)
Presiding Officer
Labour Court, Bhubaneswar.

Between :

Managing Director .. First Party–Management
M/s. Utkal Sambad Prakashan Pvt. Ltd.
A/62, Nayapalli, Bhubaneswar.

And

Shri Narayan Ch. Lenka .. Second Party–Workman
DE-182, Baramunda Housing Board Colony
Bhubaneswar - 3.

Appearances :

For the First Party–Management	.. 1. Shri Amiya Ranjan Patnaik Managing Director, USPP (closed establishment). 2. Shri S. T. Ullah, Advisor
For the Second Party–Workman	.. 1. Shri Narayan Chandra Lenka, Ex-Security Guard. 2. Shri Sudarsan Mohapatra, Authorised Representative of the Workman.

AWARD

The Government of Orissa in the Labour & Employment Department in exercise of powers conferred upon them by 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 dispute for adjudication vide their Order No. 7464—li/1(B)-195/1995-L. E., dated the 29th June 1996 :—

“Whether the termination of service of Shri Narayan Chandra Lenka, Security Guard with effect from the 29th March 1994 by the Director, M/s. Utkal Sambad Prakashan Pvt. Ltd. is legal and/or justified ? If not, what benefit the workman is entitled to ?”

2. Both parties are present. Both parties by filing a joint petition along with a settlement drawn up in form ‘K’ prayed to pass an Award in terms of settlement.

The terms embodied in the settlement are read over and explained to the parties. They admitted the same to be true and correct. The workman submitted that he has settled the dispute not under any duress and received the full and final dues as agreed by him in the settlement. The terms of settlement being genuine are recorded. I am satisfied that the settlement is voluntary in nature. An Award is passed accordingly in terms of the settlement which is made form part of the Award.

Dictated and corrected by me.

S. K. DASH
30-4-2010
Presiding Officer
Labour Court, Bhubaneswar

S. K. DASH
30-4-2010
Presiding Officer
Labour Court, Bhubaneswar

By order of the Governor
P. K. PANDA
Under-Secretary to Government

FORM 'K'

Memorandum of settlement, dated the 26th April 2010 between the Managing Director of the closed establishment Utkal Sambad Prakashan Private Ltd., A/62, Nayapalli, Bhubaneswar and their workman Shri Narayan Chandra Lenka, Ex-Security Guard.

Representing the Management

1. Shri Amiya Ranjan Patnaik
Managing Director, USPPPL
(closed establishment).

2. Shri S. T. Ullah, Advisor

Representing the Workman

1. Shri Narayan Chandra Lenka
Ex-Security Guard.

2. Shri Sudarsan Mohapatra
Authorised Representative of
the workman.

Made part of the Award

S. K. DASH

30-4-2010

Presiding Officer

Labour Court, Bhubaneswar

SHORT RECITAL OF THE CASE

The services of workman Shri Narayan Chandra Lenka, Security Guard, were terminated by order, dated the 29th March 1994 after the charges levelled against him were proved in the domestic enquiry. The workman raised an industrial dispute which on failure of conciliation was referred to the Hon'ble Labour Court and registered as I. D. Case No. 89/1996.

The workman also filed an application under Section 33-C(2) of I. D. Act claiming Rs. 1,01,491.35 contending to be differential wages as per Wage Board Award.

During pendency of both the aforesaid cases, the workman approached the Management for an amicable settlement of the cases continuing for a long period. In view of closure of the establishment, Utkal Sambad Prakashan Private Ltd. after protracted discussion, the parties have agreed to settle out of court both the cases in the following terms :—

TERMS OF SETTLEMENT

1. The Management has agreed to pay the workman Shri Narayan Chandra Lenka, Ex-Security Guard, a lump sum amount of Rs. 1,00,000 (Rupees one lakh only) in lieu of reinstatement, back wages and all other dues.

2. The workman has agreed to accept the said amount of Rs. 1,00,000 (Rupees one lakh) in full and final settlement of all his dues with the Management towards compensation, back wages, differential wages and all other dues.

3. The workman agrees not to raise any other or further dispute with regard to his service with the Management in future.

4. The workman agrees to file a petition before the Hon'ble Labour Court praying to withdraw the I. D. Misc. Case No. 1/1993 under Section 33-C(2) of I. D. Act in view of the present settlement.

5. Both parties agree to file a joint petition in I. D. Case No. 89/1996 praying the Hon'ble Labour Court to pass an Award in terms of this settlement.

6. The Management agrees to pay the workman the amount of Rs. 1,00,000 (Rupees one lakh only) in shape of Demand Draft No. 500722, dated the 19th April 2010 on withdrawal of I. D. Case No. 1/1993 and on the date of recording the settlement before the Hon'ble Labour Court in I. D. Case No. 89/1996.

7. The above settlement is in full and final settlement of all the dues of the workman with the Management and the workman will have no claim whatsoever with regard to his service with the Management in future.

The parties have signed this settlement with their free will and volition without any force or undue influence.

By the Workman

Narayan Chandra Lenka

Sudersan Mohapatra

Authorised Representative

By the Management

Amiya Ranjan Patnaik

S. T. Ullah

Authorised Representative

Witness :

1. Santosh Kumar Nanda
CE-104, B. H. B. Colony,
Bhubaneswar.
2. Anirudha Acharya
Deputy General Manager (Law)
Sambad Bhawan, B-27, Industrial Estate
Rasulgarh, Bhubaneswar.

Received from the Management of M/s. Utkal Smbad Prakashan Private Ltd., Bhubaneswar the closed establishment a Demand Draft No. 500722, dated the 19th April 2010 for Rs. 1,00,000 (Rupees one lakh only) towards full and final settlement of all the dues with the Management. I declare that I have no other claim/dues with the Management.

Bhubaneswar

Date 30-4-2010

Narayan Chandra Lenka
Ex-Security Guard, USPPL

30-4-2010

Sudersan Mohapatra

30-4-2010

कम्प्यूटर द्वारा मुद्रित होने पर ही वैध
 केवल छः महीनों के लिये ही वैध
 VALID FOR SIX MONTHS ONLY
 Issuing Branch: COMM BRANCH BHUBANESHWAR
 कोड नं. / CODE No: 06657
 Tel No. 0674-2532415

भारतीय स्टेट बैंक
 State Bank of India
 मांग द्राफ्ट



₹. Rs. 50,000/- एवं अधिक के निम्नलिखित दो अधिकारियों द्वारा हस्ताक्षरित होने पर ही वैध है।
 INSTRUMENTS FOR RS. 50,000/- & ABOVE ARE NOT VALID UNLESS SIGNED BY TWO OFFICERS

DEMAND DRAFT

Key: VEBHAQ
 Sr. No: 885856

दिनांक / DATE: 19/04/2018

मांगे जानेपर ON DEMAND PAY NARAYAN CHANDRA LENKA *****

*****NARAYAN CHANDRA LENKA***** या उनके आदेश पर OR ORDER

रुपये
 RUPEES

ONE	ZERO	ZERO	ZERO	ZERO	ZERO
LAKHS	T HUS	T HUS	HUNDIS	TENS	UNITS

PARS. ZERO ONLY

₹Rs. 1000000 पैसे 00

AMOUNT BELOW 100001(1/6)

अदा करें।
 मूल्य प्राप्त / VALUE RECEIVED

भारतीय स्टेट बैंक
 STATE BANK OF INDIA
 अदाकर्ता शाखा / DRAWEE BRANCH: BHUBANESWAR MAIN BRANCH
 कोड नं. / CODE No: 00041
 IOI 000003500722 Key: VEBHAQ Sr. No: 885856

प्राधिकृत हस्ताक्षरकर्ता / AUTHORISED SIGNATORY
 (हस्ताक्षर नमूना क्र० / S.S. NO.)

M. Dash
M.R.N. DASH
 D-2375

शाखा प्रबंधक / BRANCH MANAGER
 (हस्ताक्षर नमूना क्र० / S.S. NO.)

P.K. BEHERA
P.K. BEHERA
 B-2427

Ph.-0674-2530616

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