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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 8th April 2010

No. 2803-li/I-(B)-13/2007-L.E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the award, dated the 5th January 2010 in Industrial Dispute Case No. 15 of 2008 of the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the Industrial Dispute between the Management of M/s Shree Gopal Krishna Gosala, Nayabazar, Cuttack and their workmen represented through Cuttack Gosala and Dairy Farm Shramika Sangha, Cuttack was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

INDUSTRIAL TRIBUNAL, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 15 OF 2008

Dated the 5th January 2010

Present :

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

Between :

The Management of M/s Shree Gopal
Krishna Gosala, Nayabazar,
Cuttack.

.. First-party Management

And

Their workmen represented
through Cuttack Gosala and
Dairy Farm Shramika Sangha,
Cuttack.

.. Second-party Workmen

Appearances :

NONE	.. For the First-party Management
Shri R. C. Mandi, General Secretary of the Sangha	.. For the Secondy-party workmen

AWARD

The Government of Orissa in the Labour & Employment Department, in exercise of the powers conferred u/s 12(5) read with Clause (d) of Section 10 (1) of the Industrial Disputes Act, 1947 (14 of 1917) have referred the following dispute for adjudication vide their Order No.3918-li/1 (B)/L.E., dated 29th March, 2008 :

“Whether the demand of Shree Gopal Krishna Gosala and Dairy Farm Shramika Sangha for supply of dress, washing soap and cleaning instruments to the workers of Shree Gopal Krishna Gosala, Nayabazar, Cuttack is genuine and/or proper ? If so, what should be the details ?”

2. The case of the workmen, represented through Shree Gopal Krishna Gosala and Dairy Farm Shramika Sangha (hereinafter referred to as the ‘Sangha’) in brief is that they are the employees of Shree Gopal Krishna Gosala, Nayabazar, Cuttack (hereinafter referred to as the ‘Management’). It is stated that through the workmen the management is taking care of the cows, bulls and calves and is also selling milk, milk-products, cow-dung, male calf etc. It is pleaded that the services of the workmen are utilised for serving the cows for their feeding by collecting straws and cutting them into sizes and also cutting the grass through machine and so also for cleaning the cow-shed. It is pleaded that for the smooth execution of the aforesaid works, the workmen made a demand to the management for supplying them dress, washing soap and cleaning instruments but the management paid a deaf ear to the aforesaid legitimate demand of the workmen. According to the workmen, being disappointed they raised a dispute before the labour machinery and on failure of the conciliation the present reference has been made for adjudication of the dispute.

3. The management in spite of opportunity dis not file its written statement nor did it appear on the date of hearing as a result of which it was set *ex parte* vide order No. 18, dated the 4th November 2009. The workmen thereafter tendered affidavit evidence of two witnesses on their behalf and proved Ext. 1, the copy of their complaint made to the D.L.O.

4. Out of the two witnesses examined on behalf of the Sangha, W.W. No.1 is a Feeder, who is working under the management since 1992 and is continuing as the General Secretary of the Union. He deposed with reference to Ext.1, the copy of the complaint petition made to the D.L.O., that although the management has assured them to supply dress, washing soaps and cleaning instruments but the management has not yet extended the said benefit in favour of the workers and it is also not possible for the workers to arrange such cleaning materials out of their limited source

of income. W.W. No.1 further deposed that since their performance of duties involve hazardous works like grass-cutting, serving the cows for their feeding, cleaning the cow-shed etc., the demands made by the Union is quite genuine and need to be fulfilled.

W.W. No.2 who is working as Gowala under the management also corroborated the version of W.W. No.1 and deposed that in so far as the health condition of the workmen are concerned, the demands made by the Union for the workers in general are quite wholesome and prayed that the reference may be answered in their favour.

5. Due to non-participation of the management during hearing, the evidence of the above two witnesses remained uncontroverted. In the circumstances, this Tribunal finds no other alternative than to hold the reference in the affirmative in order to maintain industrial peace and harmony between the parties. Accordingly, the management is directed to supply the workers who are directly involved in cleaning/feeding work a pair of dress every year and two washing soap or the costs thereof in every alternative month.

6. The reference is thus answered in the following manner :

The demand of the Sangha for supply of dress, washing soap to the workers of the mangement is genuine as well as proper. The workers, who are directly involved in cleaning/feeding work are entitled to a pair of dress every year and further they are held entitled to two washing soaps or the cost thereof in every alternative month.

Dictated and corrected by me.

P. C. MISHRA
5-1-2010
Presiding Officer
Industrial Tribunal
Bhubaneswar

P. C. MISHRA
5-1-2010
Presiding Officer
Industrial Tribunal
Bhubaneswar

By order of the Governor

K. C. BASKE
Under-Secretary to Government