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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 17th April 2010

No. 3105-li-1(B)-27/2001-LE.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 26th December 2009 in I.D. Case No. 247 of 2008 of the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the Industrial Dispute between the management of M/s. Surya Papers Ltd., B-18, Rasulgarh, Bhubaneswar and its Workman Shri R. S. Kumar represented through by Secretary, Surya Papers Ltd. Employees Union, Bhubaneswar was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

INDUSTRIAL TRIBUNAL, BHUBANESWAR

Present :

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

INDUSTRIAL DISPUTE CASE No. 247 OF 2008

Dated the 26th December 2009

Between :

The Director,
Surya Papers Ltd.,
B-18, Rasulgarh Industrial Estate,
Bhubaneswar.

.. First-party Management

And

Shri R. S. Kumar, represented by
Secretary, Surya Papers Ltd.,
Employees Union, Rasulgarh,
Bhubaneswar.

.. Second-party Workman

Appearances :

Shri Manoj Kumar Panda, Law Officer.	.. For First-party Management
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Shri Ram Krishna Mandal Secretary.	.. For Second-party Workman

AWARD

Originally the Government of Orissa in the Labour and Employment Department had referred the following dispute for adjudication by the Presiding Officer, Labour Court, Bhubaneswar vide its Order No. 9345–li /1(B)-27-2001-L.E., dated the 30th June 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 Surya Papers Ltd., Rasulgarh, Bhubaneswar in terminating the services of Shri R. S. Kumar, Sr. Machineman, with effect with 3rd June 2000 is legal and /or justified ? If not, what relief the Workman is entitled to ?”

2. This case was posted to today for hearing. Both parties by filing a memorandum of settlement drawn-up in Form-K submitted that the dispute between them has already been settled amicably and in view of the settlement they have prayed to pass an Award in terms thereof.

The terms of the settlement are readover and explained to the parties which they admitted to be true and correct. The settlement being genuine is recorded. An Award is passed in terms of the settlement, which do form part of the Award.

Dictated and corrected by me.

P. C. MISHRA
26-12-2009
Presiding Officer
Industrial Tribunal
Bhubaneswar

P. C. MISHRA
26-12-2009
Presiding Officer
Industrial Tribunal
Bhubaneswar

By order of the Governor

K. C. BASKE

Under-Secretary to Government

FORM-K
(See Rule-64)

Memorandum of settlement, dated 24th November 2009 between Management of M/s Surya Papers Private Limited, B-10, Industrial Estate, Bhubaneswar-10 and the Workman represented by the M/s Surya Papers Private Limited Employees Union, Rasulgarh, Bhubaneswar.

Parties to the Dispute

Representative of Management :

- 1 Aditya Dash, Director,
M/s Surya Paper Pvt. Ltd.
- 2 Shri Amarendra Dash,
CMD, M/s Surya Group

Representative of Workman :

- 1 Shri Prafulla Kumar Mohapatra, Vice-President
M/s Surya Papers Employees Union
- 2 Shri Ram Krishna Mandal, Secretary
M/s Surya Papers Employees Union

Short Recital of the Case

The M/s. Surya Papers Private Limited Employees Union, Rasulgarh, Bhubaneswar had raised complaint before the Learned District Labour Officer (Khurda), Bhubaneswar on issue of non-revision of wages of the workers, removal from services to Shri R. S. Kumar, Bipra Behera, transfer of Shri R. K. Mandal to Paradeep and retiring from service to Shri Trilochana Mohapatra at the 55 years. After failure of conciliation proceedings the above cases were referred to the Hon'ble Industrial Tribunal/Labour Court and High Court for adjudication. In the meantime the whole matter has been discussed by both the parties in detail with open mind and finally both the parties have agreed to the following :-

Terms of Settlement

1. That it is agreed by and between the parties that all the existing workers covered under the Union shall receive an additional amount of Rs. 10 (Rupees ten) per day in their wages from 1st November 2009. The case pending before the Hon'ble High Court in regard to their revision and pay shall be closed.
2. That it is agreed all the 13 workers as per the list submitted by the management to the District Labour Officer (Khurda), Bhubaneswar on 19th August 2009 shall be paid wages for nine days at the double rate for the year 2002 on the basis of the Award of the Hon'ble Tribunal in I.D. Case No. 16/2004.
3. That it is agreed all the union workers shall be provided two pairs of dresses in a year. This will be effective from the year 2010.
4. That it is agreed all the union workers shall be retired from service at the age of 58 years or above as per the norm.
5. That it is agreed Shri R. S. Kumar, Workman shall be paid a sum of Rs. 1,50,000 (One lakh fifty thousand) only by the management towards full and final settlement of his claim against I.D. Case No. 247/2008.
6. That it is agreed Shri Bipra Behera, Workman shall be paid a sum of Rs. 1,00,000 (One lakh) by the management towards full and final settlement of his claim against I.D. Case No. 18/2006.

7. That it is agreed Shri Trilochana Mohapatra, Foreman shall be paid a sum of Rs. 60,000 (Rupees sixty thousand) by the management towards full and final settlement of his claim against I.D. Case No. 24/2004.
8. That it is agreed Shri R. K. Mandal, Workman shall be paid a sum of Rs. 1,20,000 (Rupees one lakh twenty thousand) only by the management towards full and final settlement of his claim against I.D. Case No. 35/2005.
9. That it is agreed both parties shall co-operate each other to close the above cases pending before different Learned Courts as quickly as possible.
10. That it is agreed between the parties that both the parties that both the sides shall jointly file necessary petitions before various Courts in which disputes are pending with a prayer to pass necessary Award/Order by such Courts in terms of present settlements.

Signature of the Parties

For SURYA PAPER PVT. LTD.

- 1 Aditya Dash, Director
- 2 Amarendra Dash
- 3 Prafulla Kumar Mohapatra
- 4 Ram Krishna Mandal

Witnesses

- 1 Shri Manoja Kumar Panda, Law Officer
M/s Suryo Group
 - 2 Shri Bipra Behera
- 24-11-2009