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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 27th October 2011

No. 9615-li/1(B)-23/2006-LE.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 20th August 2011 in I. D. Case No. 39 of 2006 of the Presiding Officer, Labour Court, Bhubaneswar to whom the Industrial dispute between the Management of M/s Pratap Purusottampur Service Co-operative Society Ltd., Pratap Purusottampur, Puri and its workman Shri Laxmidhar Parida, ex-Assistant Secretary was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 39 OF 2006

Dated the 20th August 2011

Present :

Shri S. A. K. Z. Ahmed,
Presiding Officer, Labour Court,
Bhubaneswar.

Between :

The Management of – M/s Pratap
Purusottampur Service Co-operative Society Ltd.,
Pratap, Purusottampur, Puri. ... First Party—Management

And

Its Workman,
Shri Laxmidhar Parida,
Ex-Assistant Secretary. .. Second Party—Workman

Appearances :

N O N E	..	For the First Party—Management
Shri N. Satapathy, Advocate	..	For the Second Party—Workman.

A W A R D

The Government of Orissa in exercise of Powers conferred by sub-section (5) of Section 12, read with clause (c) of sub-section(1) of Section 10 of the Industrial Disputes Act have referred the matter in dispute to this Court vide Order No. 4285-li-1(B)-23 /06-LE. dt. 1st. June 2006 of the Labour & Employment Department, Bhubaneswar for adjudication.

2. The terms of reference is as follows:

“ Whether the action of the management of M/s Pratap Purusottampur Service Co-operative Society Ltd., At/P.O. Pratap Purusottampur, Puri in terminating the services of Shri Laxmidhar Parida, Assistant Secretary with effect from dt. 1st December 2004 is legal and/or justified ? If not, to what relief Shri Parida is entitled ?”.

3. The workman’s case, in brief, as setout in his statement of claim is that, he was appointed as an Assistant Secretary by the management and joined on Dt.12-7-1982. He continued to work as such till Dt. 1-11-2004 on which date he was illegally terminated from service by the management. According to the workman, he was getting monthly salary of Rs.750 which was less than the minimum wages with effect from April, 1997. The workman along with others formed an Union named as the United Puri-Nimapara Central Co-operative Bank Ltd. Primary S.C.S. Employees Union in which the present workman was elected as the General Secretary. The said Union through the workman made complaint before the District Labour Officer, Puri and other higher authorities for paymet of monthly salary at par with minimum wages fixed by the Government for which the management bore a grudge against him. On 29-10-2004 the Managing Committee of the management passed a resolution to retrench the workman from his service with effect from Dt. 1-11-2004. At the time of termination the management has not complied the provisions of Section 25-F Industrial Disputes Act by giving one month’s prior notice or notice pay in lieu thereof and retrenchment compensation for which according to the workman, the termination of service is illegal and bad in law. So he raised an industrial dispute before the labour authority and when the conciliation failed the matter was informed to the Government and this reference has been received and this I.D. Case has been initiated wherein the workman has prayed for his reinstatement in service with full back wages.

4. The management did not appear and was set *ex parte*

5. In view of the above pleading of the workman in order to substantiate the same, he has examined himself as W.W. 1, and proved the xerox copy of resolution of the management Dt. 12-7-1982 regarding appointment, xerox copy of termination order and xerox copy of training certificate under cover of Exts. 1, 2 and 3 respectively.

6. In his evidence, the workman has stated that he was working under the management as an Assistant Secretary since Dt. 12-7-1982. On Dt. 1-11-2004 the management terminated his service illegally without following the provisions of Section 25-F of the Industrial Disputes Act. He has further deposed that before terminating his service no charge was framed against him and no domestic enquiry was conducted by the management for any misconduct. He has also not received any notice or notice pay and retrenchment compensation from the management on or before the date of his termination. At the time of termination the workman was getting Rs.750 per month as his wages. The evidence of the workman remained unchallenged. So on careful consideration of all the materials available in the case record, I came to the finding that the action of the management in terminating the services of the workman with effect from Dt. 1-11-2004 is neither legal nor justified and the workman is entitled to be reinstated in service with full back wages.

7. Hence it is ordered :

That the action of the management of M/s Pratap Purusottampur Service Co-operative Society Ltd., At/P.O. Pratap Purusottampur, Puri in terminating the services of Shri Laxmidhar Parida, Assistant Secretary with effect from Dt. 1-11-2004 is illegal and unjustified. The workman Shri Paida is entitled to be reinstated in service with full back wages. The management is directed to implement this Award within a period of one month from the date of its publication.

The reference is answered accordingly *ex parte*

Dictated and corrected by me.

S.A.K.Z. AHMED

20-8-2011

Presiding Officer
Labour Court
Bhubaneswar

S.A.K.Z. AHMED

20-8-2011

Presiding Officer
Labour Court
Bhubaneswar

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