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LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 25th May 2012

No. 4181—li/1(B)-209/1992 (Pt.)-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 16th December 2011 in Industrial Dispute Case No. 27 of 1993 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s Eastern Media Ltd., Bhubaneswar and its workman Shri Bikram Nayak was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 27 OF 1993

Dated the 16th December 2011

Present :

S.A.K.Z. Ahamed, O.S.J.S (Jr. Branch),
Presiding Officer,
Labour Court,
Bhubaneswar.

Between :

The Managing Director,
Eastern Media Pvt. Ltd.,
A/62, Nayapalli,
Bhubaneswar.

.. First Party—Management

And

Shri Bikram Nayak,
C/o Surath Nayak,
State Bank of India,
Bapujinagar Branch,
Bhubaneswar.

.. Second Party—Workman

Appearances :

Shri A. Acharya, . . . For First Party— Management
Dy. General Manager (Law),

Shri Bikram Nayak, . . . Second Party— Workman himself.

AWARD

The Government of Odisha, 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) for short the Act have referred the following dispute for adjudication vide their Order No. 3486—li-1 (B)-209/1992-LE., dated the 24th March 1993 :—

“Whether the termination of services of Shri Bikram Nayak, Ex-Sweeper by the management of M/s Eastern Media Limited, Bhubaneswar with effect from 30-7-1991 by way of refusal of employment is legal and/or justified ? If not, what relief the workman’ is entitled to ?”

2. The case record is put up today on the strength of the advance petition along with the joint petition filed by both the parties. The representative of management files a memo. along with a certified copy of the Order, Dt. 8-11-2011 of Hon’ble High Court passed in O.J.C. No.16859 of 2001 wherein the Hon’ble Court have been pleased to pass an order as follows :—

“xxx xxxx xxx

The writ application is disposed of as withdrawn.”

Both the parties are present and files a joint petition along with a settlement drawn up in Form ‘K’ with a prayer to pass an award in terms of settlement.

The terms embodied in the settlement are readover and explained to the parties and they admitted the same to be true and correct. The workman submits that he has settled the dispute not under any duress and received Rs. 50,000 (Fifty thousand) only towards full and final dues. The terms of settlement being genuine are recorded. I am satisfied that the settlement is voluntary in nature. An Award is accordingly passed in terms of the settlement which do form part of the Award.

Dictated and corrected by me.

S.A.K.Z. AHAMED
16-12-2011
Presiding Officer
Labour Court
Bhubaneswar

S.A.K.Z. AHAMED
16-12-2011
Presiding Officer
Labour Court
Bhubaneswar

By order of the Governor
M. R. CHOUDHURY
Under-Secretary to Government

FORM-K

Memorandum of Settlement Dt. 5-12-2011 between the Management of M/s Eastern Media Limited, Bhubaneswar and their Workman Shri Bikram Nayak, Ex-Sweeper.

Representing the Management

1. Shri Soumya Ranjan Patnaik,
Chairman,
M/s Eastern Media Ltd.
Bhubaneswar.
2. Shri Anirudha Acharya
Dy. General Manager (Law)
M/s Eastern Media Ltd.
Bhubaneswar.

Representing the Workman

1. Shri Bikram Nayak,
Ex-Sweeper.
2. Shri Sudarsan Mohapatra,
Authorised Representative.

SHORT RECITAL OF THE CASE

The industrial dispute raised by the workman Shri Bikram Nayak, alleging refusal of employment by the management with effect from the 30th July 1991 was referred to the Hon'ble Labour Court, Bhubaneswar, for adjudication, which was registered as I.D. Case No. 27 of 1993. During the course of evidence the identification of the workman having been disputed the management filed a petition to recall the workman for further cross-examination which will be helpful in deciding the question of identification of the workman. The said petition was rejected by the Hon'ble Labour Court. Being aggrieved, the management approached the Hon'ble High Court of Odisha in O.J.C. No. 16859 of 2001 and the Hon'ble High Court by Order Dt. 11-1-2002 passed orders that the Presiding Officer, Labour Court shall not pronounce his verdict in I.D. Case No. 27/93 until further orders.

During pendency of the dispute as aforesaid the workman approached the management for an amicable settlement of the dispute and after protracted discussion, the parties have agreed for out of Court Settlement of the dispute on the following terms :—

TERMS OF SETTLEMENT

1. The management M/s Eastern Media Ltd. has agreed to pay the workman Shri Bikram Nayak, Ex-Sweeper, a lump sum amount of Rs. 50,000 (Rupees fifty thousand) only towards compensation in lieu of reinstatement, back wages and all other dues with regard to the service of the workman.
2. The workman has agreed to accept the lump sum amount of Rs. 50,000 (Rupees fifty thousand) only in full and final settlement of all his dues with the management towards compensation in lieu of reinstatement, back wages and all other dues towards his service with Eastern Media Ltd.,

Shri Bikram Nayak,
Sudarsan Mohapatra

Shri Soumya Ranjan Patnaik
Anirudha Acharya

3. The management of M/s Eastern Media Ltd. has agreed to withdraw the petition in OJC No. 16859/2001 pending before the Hon'ble High Court of Odisha in view of amicable settlement of the dispute between both the parties.
4. The workman agrees not to raise any other of further dispute against the management with with regard to his service or any other benefit with the management in future.
5. Both parties agree to file a joint petition before the Hon'ble Labour Court, Bhubaneswar praying the Hon'ble Court to pass an Award in terms of this settlement.
6. The management shall pay the workman the agreed amount of Rs. 50,000 (Rupees fifty thousand) only in the shape of Demand Draft on the date of recording the settlement in I.D. Case No. 27/93 before the Hon'ble Labour Court.
7. The above settlement is full and final settlement of all the dues of the workman Shri Bikram Nayak, Ex-Sweeper 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

Bikram Nayak
Ex-Sweeper
M/s Eastern Media Ltd.,

Sudarsan Mohapatra
Authorised Representative

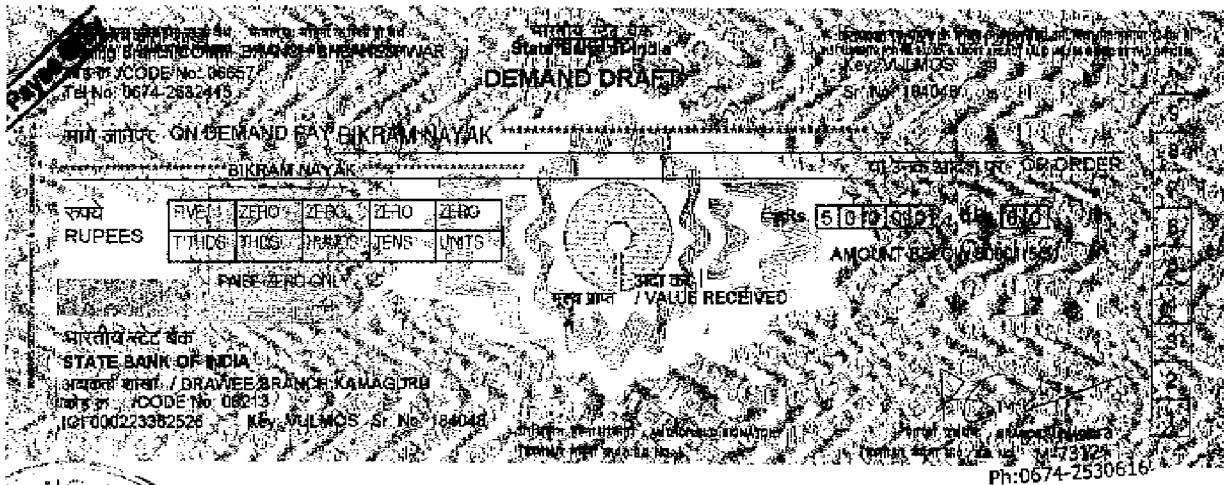
By the Management

Soumya Ranjan Patnaik
Chairman
M/s Eastern Media Ltd.,

Anirudha Acharya
Dy. General Manager (Law)
M/s Eastern Media Ltd., and
Authorised Representative

Witnesses

- 1 Raghunath Pradhan
B/27, Industrial Estate
Rasulgarh,
Bhubaneswar.
2. Jaya Krishna Bhath
B/27, Industrial Estate
Rasulgarh
Bhubaneswar.



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MONEY RECEIPT

I, Shri Bikram Nayak, Ex-Sweeper, M/s Eastern Media Ltd., Bhubaneswar, and the second party workman in I.D Case No. 27/93 pending before the Hon'ble Labour Court, Bhubaneswar, in terms of Memorandum of settlement Dt. 5-12-2011 received the Demand Draft bearing No. 362526, Dt. 5-12-2011 for an amount of Rs. 50,000 (Rupees fifty thousand) only from the management of M/s Eastern Media Ltd., in the Court premises to-day the 16th December 2011 in full and final settlement of all my dues with the said management.

Bhubaneswar
Dt. 16-12-2011

(Bikram Nayak)

Witnesses

Sudarsan Mohapatra
MIG-113, Kalinga Vihar,
Patrapada,
Bhubaneswar