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LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 24th May 2012

No. 4149—li/1(B)-208/1992-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 23rd November 2011 in Industrial Dispute Case No. 26/1993 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of Utkal Sambad Prakashan Pvt. Ltd., Bhubaneswar and its Workman Shri Budhanath Behera was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 26 OF 1993

Dated the 23rd November 2011

Present :

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

Between :

The Managing Director, . . . First-party Management
Utkal Sambad Prakashan Pvt. Ltd.,
A/62, Nayapalli, Bhubaneswar.

And

Shri Budhanath Behera, . . . Second-party Workman
At Pubasasan,
P. O. Kausalyaganga,
Dist. Puri.

Appearances :

Shri Anirudha Acharya, . . . For the First-party Management
 Authorised Representative

Shri Budhanath Behera . . . For the Second-party Workman himself

AWARD

The Government of Odisha in the Labour & Employment Department in exercise of the 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. 3481-li/1(B)-208/1992-L.E., dated the 24th March 1993.

"Whether the termination of services of Shri Budhanath Behera, Workman by the management of M/s. Utkal Sambad Prakashan (P) Ltd., Bhubaneswar with effect from the 27th February 1991 by way of refusing employment is legal and/or justified ? If not, to what relief the workman is entitled ?"

2. Both parties are present. Both of them filed a joint petition along with a settlement drawn up in form 'K' and prayed to pass an Award in terms of the settlement. The representative of management also files a memo along with a certified copy of order of Hon'ble Court, dated the 28th January 2011 passed in O. J. C. No. 14944/2001 wherein the Hon'ble Court have been pleased to dispose of the writ petition as withdrawn. 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 submitted that he has settled the dispute not under any duress and received the full and final dues. The terms of settlement being genuine are recorded and 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
 23-11-2011
 Presiding Officer
 Labour Court, Bhubaneswar

S. A. K. Z. AHAMED
 23-11-2011
 Presiding Officer
 Labour Court, Bhubaneswar

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

FORM 'K'

Memorandum of Settlement, dated the 19th January 2011 between the Managing Director of the closed establishment M/s. Utkal Sambad Prakashan Private Limited, the Management of M/s. Eastern Media Ltd., and Shri Budhanath Behera, exPeon of Utkal Sambad Prakashan Private Ltd., Bhubaneswar.

Representing the Management

1. Shri Amiya Ranjan Patnaik,
Managing Director, USPPPL,
(closed establishment).
2. Shri Anirudha Acharya,
Dy. General Manager (Law),
M/s. Eastern Media Ltd.,
Bhubaneswar.

Representing the Workman

1. Budhanath Behera,
Ex-Peon, M/s. Utkal Sambad
Prakashan Pvt. Ltd., BBSR.
2. Shri Sudarsan Mohapatra,
Authorised Representative of
Workman.

Made part of the Award
S. A. K. Z. AHAMED
23-11-2011
Presiding Officer
Labour Court, Bhubaneswar

SHORT RECITAL OF THE CASE

The industrial dispute raised by Shri Budhanath Behera, challenging his termination of service by the Management of M/s. Utkal Sambad Prakashan (P) Ltd., Bhubaneswar with effect from the 27th February 1991 by way of refusing employment, was referred to the Labour Court, Bhubaneswar for adjudication. The said case was registered as I. D. Case No. 26/93. During pendency of the dispute on the application of the workman, the Hon'ble Labour Court by order, dated the 26th February 2001 impleaded M/s. Eastern Media Ltd., Bhubaneswar as a party to the pending dispute. The Management of M/s. Eastern Media Ltd., has challenged the said order, dated the 26th February 2001 of the Hon'ble Labour Court before the Hon'ble High Court of Odisha O. J. C. No. 14944 of 2001, in which the Hon'ble High Court by order, dated the 20th November 2001 has stayed further proceedings in I. D. Case No. 26 of 1993.

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 an out of court settlement of the dispute on the following terms :—

TERMS OF SETTLEMENT

1. The Management M/s. Utkal Sambad Prakashan Private Ltd., has agreed to pay the workman Shri Budhanath Behera, exPeon, a lump sum amount of Rs. 60,000 (Rupees Sixty thousand only) towards compensation in lieu of reinstatement, back wages and all other dues.
2. The workman has agreed to accept the said amount of Rs. 60,000 (Rupees Sixty 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 past service.

3. The Management of Eastern Media Ltd. has agreed to withdraw the writ petition in O. J. C. No. 14944 of 2001 pending before the Hon'ble High Court, Odisha in view of amicable settlement of the dispute between the Management of USPPL and their workman.
4. The workman agrees not to raise any other or further dispute either with the Management of M/s. Utkal Sambad Prakashan Private Ltd. or M/s. Eastern Media Ltd., Bhubaneswar 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. 60,000 (Rupees Sixty thousand only) in shape of Demand Draft No. 912762, dated the 2nd April 2011 on the date of recording the settlement before the Hon'ble Labour Court in I. D. Case No. 26/1993.
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.
8. The parties have signed this settlement with their free will and volition without any force or undue influence.

By the Workman
 BUDHANATH BEHERA
 Ex-Peon, USPPL
 SUDARSAN MOHAPATRA
 Authorised Representative
 of the workman

By the Management
 AMIYARANJAN PATNAIK
 Managing Director, USPPL
 A. ACHARYA
 Dy. General Manager (Law)
 M/s. Eastern Media Ltd.,
 and Authorised Representative

Witness

1. JAYAKRISHNA BHATTA, Eastern Media Ltd., Bhubaneswar
2. KAMALAKANTA SAHU, Eastern Media Ltd., Bhubaneswar