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**No. 1350 CUTTACK, WEDNESDAY, JULY 11, 2012/ASADHA 20, 1934**

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**LABOUR & E. S. I. DEPARTMENT**

**NOTIFICATION**

The 29th June 2012

No. 5018—li/1(BH)-12/1992(Pt.)-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 30th April 2012 in Industrial Dispute Case No. 120 of 1992 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of Geeta Industries Ltd., Balasore and its workman Shri Ratnakar Sahu was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 120 OF 1992

Dated the 30th April 2012

*Present :*

S. A. K. Z. Ahamed,  
Presiding Officer,  
Labour Court, Bhubaneswar.

*Between :*

The Management of  
Geeta Industries Ltd.,  
Balasore. . . First-party—Management

And

Shri Ratnakar Sahu . . Second-party—Workman

*Appearances :*

S. S. Alli, Advocate . . For the First-party—Management

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Shri S. B. Mohanty, Advocate, . . For the Second-party—Workman  
Shri S. K. Das, Advocate and  
Shri S. S. Mohapatra, Advocate.

## 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 have referred the following dispute to this Court for adjudication vide Order No. 12500—li/1(BH)-12/1992-LE., dated the 29th September 1992 :—

"Whether the termination of services of Shri Ratnakar Sahu, Fitter by the management of M/s Geeta Polymers Ltd., Balasore with effect from the 27th August 1991 is legal and/or justified ? If not, what relief he is entitled to ?"

2. In response to the notice issued from this Court, both the parties have filed their respective pleadings.

It has been urged by the workman that he was working as a confirmed Fitter under the management with effect from the 1st May 1988 and while he was working as a Fitter, the management without any reason initiated a domestic enquiry against him on the plea of Trade Union activities. In the year 1991 he was called for an explanation by the management for which the workman submitted his reply denying the allegations of the management and ultimately a domestic enquiry was taken up and without following the principles of natural justice the workman was dismissed/terminated from service with effect from the 27th August 1991 and prayed for reinstatement in service with full back wages.

3. On the other hand, the management filed written statement refuting the claim of the workman. While admitting the fact of engagement of the workman as Fitter, the management has urged that the present dispute is not maintainable. It has been further urged that the conduct of the workman was highly derogative and due to various acts of indiscipline and misconduct shown by the workman, disciplinary proceeding was initiated, charges were framed, explanation was called for and domestic enquiry was conducted after following the principles of natural justice. The workman remained absent for which adjournment was given to him and the workman though present during the course of domestic enquiry declined to cross-examine the witnesses examined on behalf of the management and ultimately the workman was found guilty of charges. A copy of enquiry report was served upon the workman and an opportunity to file show cause against the proposed punishment was given to the workman but in absence of any show cause, he was removed from service with effect from the 27th August 1991. On the above backgrounds, it has been urged by the management that the termination of service of the workman is legal and justified.

4. In view of the above pleadings of the parties, the following issues are settled :—

## ISSUES

- (i) Whether the domestic enquiry conducted by the management basing upon charge-sheet, Dt. 7-3-1991 was fair and proper ?
- (ii) Is his termination of services with effect from the 27th August 1991 as a measure of punishment proportionate to the gravity of misconduct proved against him ?
- (iii) If not, to what relief ?

5. In order to substantiate his plea, the workman has examined himself as W.W. 1 but has not proved any document in support of his case. On the other hand, though the management has

contested the proceeding and cross-examined the W.W. 1 but did not choose to adduce any evidence and also did not file any document in support of its case.

### FINDINGS

6. *Issue Nos. (i), (ii) and (iii)*—All the issues are taken up together for the sake of convenience.

On the above score, on perusal of the evidence already adduced from the side of both the parties, it is seen that the workman has examined himself as W.W. 1 and during the course of hearing, he has admitted the allegations of the management and categorically stated in his evidence that he has no claim against the management and since he was involved in various act of indiscipline as alleged and as the matter was compromised amicably outside the Court, he has no claim against the management. In view of the evidence adduced by the workman, I am of the opinion that the termination of services of the workman with effect from the 27th August 1991 is legal and justified.

7. Hence ordered :

That the termination of services of Shri Ratnakar Sahu, Fitter by the management of M/s Geeta Polymers Ltd., Balasore with effect from the 27th August 1991 is legal and justified. The workman Shri Sahu is not entitled to get any relief as claimed.

The reference is answered accordingly.

Dictated and corrected by me.

S. A. K. Z. AHAMED  
30-4-2012  
Presiding Officer  
Labour Court, Bhubaneswar

S. A. K. Z. AHAMED  
30-4-2012  
Presiding Officer  
Labour Court, Bhubaneswar

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