

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1373 CUTTACK WEDNESDAY, JULY 18, 2012/ASADHA 27, 1934

LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 3rd July 2012

No. 5087—1i/1(B)-53/2002 (Pt.)-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 21st April 2012 in Industrial Dispute Case No. 82 of 2002 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s OSWAL Chemicals & Fertilizers and Samantray Transport Agency, Paradeep and its workman Shri Raj Kishore Bhuyan was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 82 OF 2002

Dated the 21st April 2012

Present :

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

Between :

The Management of
M/s OSWAL Chemicals &
Fertilisers and Samantray
Transport Agency,
Paradeep.

.. First Party—Management

And

Its workman, . . . Second Party—Workman
 Shri Raj Kishore Bhuyan

Appearances :

None . . . For First Party— Management

Shri R. K. Bhuyan . . . For Second Party—Workman himself

AWARD

The Government of Odisha in the Labour & E.S.I. Department in exercise of powers conferred upon them by sub-section (5) of Section 12 read with Clause (c) 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. 8228—li/1 (B)-53/2002-LE., dated the 4th July 2002.

“Whether the retrenchment/termination of services of Shri Raj Kishore Bhuyan, Driver with effect from 26-7-2000 by the management of M/s OSWAL Chemicals & Fertilisers Ltd. and M/s Samantray Transport Agency, Paradeep is legal and/or justified ? If not what relief is Shri Bhuyan entitled to ?”

2. The case of the workman, in brief, as set out in his statement of claim is that he was appointed as a L. P. Driver under the management on a monthly salary of Rs. 4,000 along with other facilities. He was performing his duty regularly to the best satisfaction of the management. After appointment of M/s Samantray Transport Agency, he was directed to work under the said Transport Agency and accordingly he has performed his duty under the said Transport Agency. All on a sudden, the management stopped payment of the workman without any reason with effect from 26-7-2000. When the workman requested for payment of his wages, the management became annoyed and threatened to kill him. According to the workman, there was no allegation against him and the management without following the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947 has illegally retrenched/terminated his service for which the workman has prayed for his reinstatement in service with full back wages and other service benefits.

3. In spite of valid notices, the management neither appeared nor contested the case. Hence the management was set *ex parte* vide orders Dt. 18-12-2003.

4. In order to substantiate his plea, the workman has examined himself as W.W. 1 and proved the documents, such as, copy of identity card, copy of temporary pass and copy of attendance cards under the cover of Exts. 1 to 3 respectively.

5. In view of the unchallenged testimony of the workman and considering the documents filed by him, it is felt necessary that he has genuine case and he is entitled to the reliefs claim.

6. Hence Ordered :

That the retrenchment/termination of services of Shri Raj Kishore Bhuyan, Driver with effect from 26-7-2000 by the management of M/s OSWAL Chemicals & Fertilisers Ltd. and M/s Samantray Transport Agency, Paradeep is neither legal nor justified. The workman Shri Bhuyan is entitled to be reinstated in service with full back wages. The management is directed to implement this Award within a period of two months from the date of its publication failing, the amount shall carry interest at the rate of 15% per annum till its realisation.

The reference is answered accordingly *ex parte*.

Dictated and corrected by me.

S.A.K.Z. AHAMED
21-4-2012
Presiding Officer
Labour Court
Bhubaneswar

S.A.K.Z. AHAMED
21-4-2012
Presiding Officer
Labour Court
Bhubaneswar

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