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LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 4th July 2012

No. 5105—IR-(ID)-64/2011-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 18th May 2012 in Industrial Dispute Case No. 4 of 2011 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s IPI Steel Ltd., At/P.O. Gundichapada, Dist. Dhenkanal and their Workmen Shri Narayan Brahma and 23 others was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 4 OF 2011

Dated the 18th May 2012

Present :

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

Between :

The Management of
M/s IPI Steel Ltd.,
At/P.O. Gundichapada,
Dist. Dhenkanal. First-party—Management

And

Their Workmen
Shri Narayan Brahma and
23 others. Second-party—Workmen

Appearances :

None	. .	For the First-party—Management
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Shri N. Brahma, Shri A. K. Swain and Sk. Gulzar.	. .	For the Second-party—Workmen

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 (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. 7356—ID-64/2011-LE., dated the 11th August 2011 :—

"Whether the termination of Shri Narayan Brahma and 23 others (as per Annexure-A) from service with effect from the 1st April 1987 by the management of M/s IPI Steel Ltd., At/P.O. Gundichapada, Dist. Dhenkanal is legal and/or justified ? If not, to what relief the workmen are entitled ?"

2. The case of the workmen, in brief, as set out in their statement of claim is that they were working under the management from the year 1984 onwards. All of a sudden, without any reason, on 1-4-1987, the management stopped the work and did not allow the present workmen to do their duty. Subsequently, on the approach of the workmen, the management assured them to take back in service, if the factory will operate. In the year 1989, the factory of the management was operated and as per the assurance of the management, the workmen went to join, but the management did not allow them to work. So the management has violated the principles of the Certified Standing Orders and also the principles of natural justice. According to the workmen, at the time of termination, the management has not complied with the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947. On these averments, according to the workmen, the termination of services of the workmen with effect from the 1st April 1987 by the management is illegal and unjustified for which they have prayed for their reinstatement in service with full back wages.

3. On the other hand, in spite of valid notices, the management neither appeared nor contested the case and ultimately set *ex parte* vide Order, dated the 3rd July 2002.

4. In the *ex parte* hearing, in order to substantiate their pleas, the workmen namely, Shri Narayan Brahma and Sk. Gulzar have examined as W.W. 1 and W.W. 2 respectively and proved the documents under the cover of Exts. 1 to 12.

5. In view of the unchallenged testimony of the workmen and considering the documents filed by them and also on perusal of the case record, it is felt that the workmen have genuine case and they are entitled to the reliefs as claimed.

6. Hence, ordered :

That the termination of services of Shri Narayan Brahma and 23 others (as per Annexure-A) from service with effect from the 1st April 1987 by the management of M/s IPI Steel Ltd.,

At/P.O. Gundichapada, Dist. Dhenkanal is neither legal nor justified. The workmen are 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 failing, the amount shall carry interest at the rate of 10% per annum till its realisation.

The reference is answered accordingly *ex parte*.

Dictated and corrected by me.

S. A. K. Z. AHAMED
18-5-2012
Presiding Officer
Labour Court, Bhubaneswar

S. A. K. Z. AHAMED
18-5-2012
Presiding Officer
Labour Court, Bhubaneswar

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