

The Odisha Gazette

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 1401 CUTTACK, FRIDAY, JULY 20, 2012/ASADHA 29, 1934

LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 5th July 2012

No. 5195—li/1(B)-24/2006 (Pt.)-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 26th May 2012 in I. D. Case No. 41/2006 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of Bhubaneswar Wholesale Co-operative Stores Ltd. (Alaka), Bhubaneswar and their Workman Shri Sanatan Das was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 41 OF 2006

Dated the 26th May 2012

Present :

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

Between :

The Management of Bhubaneswar
Wholesale Co-operative Stores Ltd.
(Alaka), Bhubaneswar. First Party—Management

And

Their Workman
Shri Sanatan Das Second Party—Workman

Appearances :

Shri R. N. Dash For First—Party Management

Shri S. Das 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 (c) of sub-section (1) of Section of the Industrial Disputes Act, 1947 have referred the following dispute to this Court for adjudication vide their Order No. 4240—li/1(B)-24/2006-L.E., dated the 30th May 2006.

"Whether the action taken by the management of Bhubaneswar Wholesale Co-operative Stores Ltd. (Alaka), Bhubaneswar in terminating the services of Shri Sanatan Das, workman by way of dismissal was proper and appropriate ? If not, what relief the workman is entitled to ?"

2. The case of the workman in brief as set out in his statement of claim is that he was engaged as Junior Salesman under the management from the 4th December 1997 till the 20th July 2003. During incumbency of the workman, the management detected shortage of stock and funds and on the allegation of misappropriation, he was suspended vide office Order No. 297, dated the 13th March 2003. Thereafter draft charge was prepared and supplied to the workman vide Office Memo. No.299, dated the 13th March 2003. He has further stated that he has replied the charges framed against him and after receiving the reply the management conducted enquiry against him. In spite of attending the enquiry, the Enquiry Officer without giving any opportunity to putforth his grievances, the Enquiry Officer submitted the report (enquiry) and basing on the enquiry report, he was terminated from service by way of dismissal. He has further stated that in violation of the principles of natural justice, the management has dismissed him from service and prayed for reinstatement in service with full back wages and other consequential service benefits.

3. On the other hand, the management appeared and filed written statement denying the allegation of the workman. The management admitted that the workman was working as Junior Salesman and due to shortage of fund and stock, the management initiated disciplinary proceeding against the workman, conducted the enquiry and after observing all the formalities and the principles of natural justice, termination order was passed and the same was accordingly communicated to the workman. On these averments, the management has prayed that the workman is not entitled to any relief.

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

ISSUES

- (i) Whether the action taken by the management of Bhubaneswar Wholesale Co-operative Stores Ltd. (Alaka), Bhubaneswar in terminating the services of Shri Sanatan Das, workman by way of dismissal was proper and appropriate ?
- (ii) If not, what relief the workman is entitled to ?

5. In spite of several adjournments, the workman remained absent whereas the management has examined its Assistant Secretary as M. W. 1 and proved the documents under the cover of Exts. 1 to 10.

6. Perused the affidavit evidence of M. W. 1 as well as the connecting documents. In view of the unchallenged testimony of the management, I am of the opinion that the termination of the workman from service by way of dismissal was proper and appropriate. The workman is not entitled to any relief.

7. Hence, Ordered :

That the action taken by the management of Bhubaneswar Wholesale Co-operative Stores Ltd. (Alaka), Bhubaneswar in terminating the services of Shri Sanatan Das, workman by way of dismissal was proper and appropriate. The workman Shri Das is not entitled to any relief as prayed for.

The reference is answered accordingly.

Dictated and corrected by me.

S. A. K. Z. AHAMED
26-5-2012
Presiding Officer
Labour Court, Bhubaneswar

S. A. K. Z. AHAMED
26-5-2012
Presiding Officer
Labour Court, Bhubaneswar

By order of the Governor

M. R. CHOUDHURY
Under-Secretary to Government