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LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 19th July 2012

No. 5621—li/1(B)-117/2003-(Pt.)-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 1st May 2012 in Industrial Dispute Case No. 15 of 2004 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s Shanti Stupa, Dhauligiri, Bhubaneswar and their Workman Shri Subash Ch. Pattnaik was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 15 OF 2004

Dated the 1st May 2012

Present :

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

Between :

The Management of . . First Party—Management
M/s Shanti Stupa, Dhauligiri,
Bhubaneswar.

And

Their Workman . . Second Party—Workman
Shri Subash Ch. Pattnaik

Appearances :

None	. . For the First Party—Management
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Shri S. Ch. Pattnaik	. . For the Second Party—Workman himself.

AWARD

The Government of Odisha in the exercise of powers conferred 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. 960—li/1(b)-117/2003-LE., dated the 27th January 2004 of the Labour & Employment Department, Bhubaneswar.

“Whether the termination of services of Shri Subash Chandra Pattnaik, ex Attendant by the management of Shanti Stupa, Dhauligiri with effect from the 17th May 1998 is legal and/or justified ? If not, what relief is Shri Pattnaik entitled to ?”

2. The case of the workman, in brief, as set out in his statement of claim is that he was working as an Attendant-*cum*-Pujaka by the management with effect from the 1st March 1996 to the 16th May 1998 continuously at the rate of Rs. 1,500 per month. There was no stigma in the name of the workman during his service period. During the course of employment, the management had engaged the workman for temple washing, prayer, preparation of food, etc. According to the workman, though the management had assured him to pay Rs. 1,500 per month but the management had only paid Rs. 100 per month. So, when the workman demanded his arrear wages for the period from 1-3-1996 to 16-5-1998 amounting to Rs. 37,100, the management refused his employment on 17-5-1998 without following the mandatory provisions of Sections 25-F and 25-G of the Industrial Disputes Act, 1947. Further according to the workman, he had completed for more than 240 days of continuous employment in 12 calendar months. So in this backgrounds, the workman has prayed for his 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, Dt. 19-3-2010.

4. In the *ex parte* hearing, in order to substantiate his plea, the workman by filing affidavit evidence has examined as W.W.1 and though filed an experience certificate, Dt. 9-11-1998 issued by one Rev. K. Yoda, Temple in-charge, but has not exhibited the same.

5. In view of the unchallenged testimony of the workman and considering the document filed by him and also on perusal of the case record, it is felt that the workman has a genuine case and he is entitled to the relief as prayed for.

6. Hence Ordered :

That the termination of services of Shri Subash Chandra Pattnaik, ex Attendant by the management of Shanti Stupa, Dhauligiri with effect from the 17th May 1998 is neither legal nor justified. The workman Shri Pattnaik is 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 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
1-5-2012
Presiding Officer
Labour Court
Bhubaneswar

S.A.K.Z. AHAMED
1-5-2012
Presiding Officer
Labour Court
Bhubaneswar

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