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LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 23rd July 2012

No. 5721—li/1(B)-90/2004 (Pt.)-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 24th May 2012 in I. D. Case No. 28/2005 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s Odisha Forest Development Corporation Ltd., Bhubaneswar and their Workman Shri Laxmidhar Pradhan, ex-Watcher, Tangi Plantation Subdivision was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 28 OF 2005

Dated the 24th May 2012

Present :

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

Between :

The Management of M/s Odisha . . . First Party—Management
Forest Development Corporation Ltd.,
Bhubaneswar.

And

Their Workman Shri Laxmidhar Pradhan . . . Second Party—Workman
ex-Watcher, Tangi Plantation Subdivision.

Appearances :

NONE . . . For the First Party—Management

Shri L. Pradhan . . . For the 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 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Court for adjudication vide their Order No. 5612—li/1(B)-90/2004-L.E., dated the 4th July 2005.

"Whether the compensation amount paid to terminated workman Shri Laxmidhar Pradhan, ex-Watcher of Tangi Plantation Subdivision, Tangi by the Divisional Manager, M/s O. F. D. C. Ltd., Bhubaneswar is justified and proper, If not, what should be the details?"

2. The case of the workman in brief as set out in his statement of claim is that he was engaged as a Watcher on daily wage basis with effect from the 1st November 1988 till the 31st July 2001 continuously without any break but the management has illegally terminated his service with effect from the 1st August 2001 and sent the termination letter arbitrarily to his residential address through the Subdivisional Manager, Tangi in a closed cover with compensation for 90 days but the detail particulars of calculation was not given to him. According to the workman, though he worked for 14 years, but at the time of calculation of his compensation amount, the total period of his employment has not been taken into account by the management. Therefore, the workman has stated that the management has not strictly followed the provisions of Section 25-F of the Industrial Disputes Act, 1947. Further according to the workman, the management has allowed his juniors namely, Dandapani Mal, Pratap Barik and Pramod Baliarsingh to work and they are now still working under the management whereas he being a senior workman, his service was arbitrarily terminated without following the mandatory provisions of Section 25-G of the Industrial Disputes Act, 1947. On these averments, the workman has prayed for 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 17th October 2011.

4. In the *ex parte* hearing, in order to substantiate his plea, the workman has examined himself as W. W. 1 and proved the copy of Letter No. 2588, dated the 4th July 2001 under the cover of Ext. 1.

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 reliefs as prayed for.

6. Hence Ordered :

That the compensation amount paid to the terminated workman Shri Laxmidhar Pradhan, ex-Watcher of Tangi Plantation Subdivision, Tangi by the Divisional Manager, M/s O. F. D. C. Ltd., Bhubaneswar is neither justified nor proper. The workman Shri Pradhan is entitled to be reinstated in service with full back wages. However, the management is at liberty to realise the alleged compensation amount from the back wages of the workman. 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
24-5-2012
Presiding Officer
Labour Court, Bhubaneswar

S. A. K. Z. AHAMED
24-5-2012
Presiding Officer
Labour Court, Bhubaneswar

By order of the Governor

M. R. CHOUDHURY
Under-Secretary to Government