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**LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT**

**NOTIFICATION**

The 8th November 2012

No. 9218—IR-(ID)-22/2012-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 11th September 2012 in Industrial Dispute Case No. 13 of 2012 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s Bata India Ltd. and their Workman Shri Trilochan Sahoo was referred to for adjudication is hereby published as in the Schedule below :—

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 13 OF 2012

Dated the 11th September 2012

*Present :*

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

*Between :*

The Management of  
M/s Bata India Ltd., . . . First-Party—Management

And

Their Workman  
Shri Trilochan Sahoo . . . Second-Party—Workman

*Appearances :*

None . . . For the First-Party—Management

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Shri T. Sahoo . . . 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. 3187—IR-(ID)-22/2012-LESI., dated the 23rd April 2012.

"Whether the duties of Salesman can be deemed as workman under I. D. Act, 1947, if so, whether the action of the management of M/s Bata India Ltd. in terminating the services of Shri Trilochan Sahoo, ex Salesman with effect from the 17th August 2011 without following Section 25-F and Section 25-G of the I. D. Act, 1947 is legal and/or justified ? If not, what relief Shri Sahoo is entitled to ?"

2. The case of the workman, in brief, as set out in his statement of claim is that he was working as Salesman under the management with effect from the 24th February 1994 in different districts of Odisha and his service was illegally terminated with effect from the 16th August 2011. According to him, he has completed more than 240 days continuous employment in twelve calendar months but the management has not followed the provisions of Section 25-F, Section 25-G and Section 25-H of the Industrial Disputes Act, 1947 at the time of termination of his employment. According to him, the workman was transferred from Bhubaneswar to Jeypore Shop on 10-5-2007 and suddenly on 17-8-2011 the Jeypore Shop was closed by the management without any communication to the workman. Thereafter as per the direction of the Manager, Jeypore Shop, he reported duty at Kolkata Office of the management, but the management did not take any step to resume his duty at Kolkata though the post of Salesman was vacant under the management. On these averments, 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 and filed written statement nor contested the present proceeding and ultimately the management was set *ex parte* vide this Court's Order, dated the 27th July 2012.

4. In the *ex parte* hearing, in order to substantiate his plea, the workman has examined himself as W.W. 1 and proved the documents under the cover of Exts. 1 to 12.

5. In view of the unchallenged testimony of W.W. 1 and considering the documents filed by him, it is felt that he has genuine case and he is entitled to the reliefs claim.

6. Hence Ordered :

That the duties of Salesman is deemed as workman under the Industrial Disputes Act, 1947 and the action of the management of M/s Bata India Ltd. in terminating the services of Shri Trilochan Sahoo, ex Salesman with effect from the 17th August 2011 without following Section 25-F and Section 25-G of the Industrial Disputes Act, 1947 is neither legal nor justified. The workman Shri Sahoo 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 10% per annum till its realisation.

The reference is answered accordingly *ex parte*.

Dictated and corrected by me.

S. A. K. Z. AHAMED  
11-9-2012  
Presiding Officer  
Labour Court, Bhubaneswar

S. A. K. Z. AHAMED  
11-9-2012  
Presiding Officer  
Labour Court, Bhubaneswar

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By order of the Governor  
J. DALANAYAK  
Under-Secretary to Government