

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2261 CUTTACK, WEDNESDAY, DECEMBER 12, 2012/MARGASIRA 21, 1934

LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 4th December 2012

No. 9976—li/1(B)-128/2006-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 10th September 2012 in Industrial Dispute Case No. 43 of 2007 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s Sharma Publication (P) Ltd., Cuttack and its Workmen Shri Sandeep Ch. Samadar & 5 others was referred to for adjudication is hereby published as in the Schedule below :—

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 43 OF 2007

Dated the 10th September 2012

Present :

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

Between :

The Management of
M/s Sharma Publication (P) Ltd.,
Cuttack. . . First Party—Management

And

Its Workmen
Shri Sandeep Ch. Samadar,
& 5 others. . . Second Party—Workmen

Appearances :

None . . For First Party—Management

Shri R. K. Rao . . For 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. 10916—II/1(B)-128/2006-LE., dated the 20th September 2007.

“Whether the action of the management of M/s Shama Publication Pvt. Ltd., Bidanasi, Cuttack in terminating the services of Shri Rajesh Rao with effect from the 16th October 2005, Sandeep Samadar with effect from the 31st September 2005, Md. Daulat with effect from the 26th November 2005, Md. Akhtar with effect from the 26th November 2005, Bijay Kumar Rao with effect from the 26th October 2005 and Somanath Maharana with effect from the 2nd October 2005, by way of refusal of employment is legal and/or justified? If not, what relief these workmen are entitled to?”

2. The case of the above-named workmen, in brief, as set out in their statement of claim filed by the General Secretary, Cuttack Press Workers' Union is that the workman Rajesh Rao was working under the management with effect from the 9th February 2003 on a monthly salary of Rs. 3,000 and his service was illegally terminated by way of refusal of employment with effect from the 16th October 2005. Workman Sandeep Ch. Samadar was working as an Office Assistant with effect from the 2nd July 2003 on a monthly salary of Rs. 2,500 and his service was terminated with effect from the 30th September 2005. Workman Somanath Maharana was working as a Binder with effect from the 7th April 2003 on a monthly salary of Rs. 1,800 and his service was terminated with effect from the 2nd October 2005. Likewise, workman Bijay Kumar Rao was appointed as Binder on a monthly salary of Rs. 2,500 on the 23rd July 2004 and his service was terminated with effect from the 26th October 2005 and workman Md. Akhtar was appointed as a Binder on 15-10-2004 on a monthly salary of Rs. 1,550 and his service was terminated on 26-11-2005 and the workman Md. Daulat was appointed as Binder on 23-2-2005 on a monthly salary of Rs. 1,500 and his service was terminated with effect from the 26th October 2005. According to them all the above named workmen were working continuously without any break but their services were terminated illegally without payment of overtime and bonus. Further according to them, the management has neither paid any compensation at the time of termination nor paid them the unpaid wages and terminated their services without holding any enquiry for the alleged misconduct against them and the action of the management in terminating their services is in violation of the principles of natural justice and fair play so also, illegal and *mala fide*.

3. On the other hand, in spite of valid notices, the management neither appeared and filed written statement nor contested the proceeding and ultimately the management was set *ex parte* vide this Court's Order, dated 13-4-2011.

4. In the *ex parte* hearing, in order to substantiate their pleas, the workmen Shri Rajesh Rao and Md. Akhtar have examined as W.Ws. 1 and 2 respectively and proved the documents under the cover of Exts.1 to 6.

5. In view of the unchallenged testimony of the W.Ws.1 and 2 and considering the documents filed by them, it is felt that they have genuine case and they are entitled to the reliefs of reinstatement and back wages.

6. Hence Ordered :

That the action of the management of M/s Sharma Publications Pvt. Ltd., Bidanasi, Cuttack in terminating the services of Shri Rajesh Rao with effect from the 16th October 2005, Sandeep Samadar with effect from the 31st Septemebr 2005, Md. Daulat with effect from the 26th November 2005, Md. Akhtar with effect from the 26th November 2005, Bijay Kumar Rao with effect from the 26 October 2005 and Somanath Maharana with effect from the 2nd October 2005 by way of refusal of employment is neither legal nor justified. The above named workmen are 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
10-9-2012
Presiding Officer
Labour Court, Bhubaneswar

S. A. K.Z. AHAMED
10-9-2012
Presiding Officer
Labour Court, Bhubaneswar

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