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LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT

NOTIFICATION

The 10th December 2012

No. 10137—li-1(J)-17/2007-L & ESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 29th November 2011 in I. D. Case No. 21 of 2007 of the Presiding Officer, Labour Court, Jeypore, Dist. Koraput to whom the industrial dispute between the Management of M/s Indian Metals & Ferro Alloys Ltd., Therubali, Dist. Rayagada and their Workman Shri N. K. Raju was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT

JEYPORE, KORAPUT CAMP AT RAYAGADA

INDUSTRIAL DISPUTE CASE NO. 21 OF 2007

Dated the 29th November 2011

Present :

Shri D. C. Mishra, O.S.J.S. (Jr. Branch),
Presiding Officer, Labour Court, Jeypore,
Dist. Koraput.

Between :

The Management of
M/s Indian Metals & Ferro Alloys Ltd.,
Therubali, At/P.O. Therubali,
Dist. Rayagada.

.. First party—Management

And

Their Workman
Shri N. K. Raju,
S/o Late Brundaban Raju,
At/P.O. Paralakhemundi,
Dist. Gajapati.

.. Second Party—Workman

Under Sections : 10 & 12 of the Industrial Disputes Act, 1947.

Appearances :

Shri Dhananjaya Senapati .. For the Management
 Vice President (Operations),
 M/s IMFA Ltd., Therubali.

Self .. For the Workman

Date of Award .. 29-11-2011

AWARD

The matter arises out of a reference made by the State Government in the Labour & Employment Department, Odisha, Bhubaneswar under Section 12 (5), read with Section 10 (1) of the Industrial Disputes Act, 1947 vide Memo. No. 13140 (5)-LE., dated the 5th December, 2007 for adjudication of the following disputes :—

SCHEDULE

“Whether the action of the management of M/s Indian Metals & Ferro Alloys Ltd., Therubali, Dist. Rayagada, Odisha in dismissing Shri N. K. Raju, ex-Operator ‘C’ from services with effect from the 13th June 2006 is legal and/or justified ? If not, to what relief Shri N. K. Raju is entitled ?”

2. The management counsel is present with authorised representative. The workman is absent and no steps taken on his behalf. This reveals that, the workman is no more interested to proceed with the case.

On 28-10-2011, the workman has filed a memo to allow him to withdraw the case on the ground stated therein. Also settlement in Form-K has been furnished by both the parties on that day. Since the workman wants to withdraw the case, the prayer is allowed. The case is withdrawn without any liberty of the workman to file fresh case on the same cause of action and same issue. The settlement in Form-K do form part of the Award.

Dictated and corrected by me.

D. C. MISHRA
 29-11-2011
 Presiding Officer
 Labour Court, Jeypore
 Koraput

D. C. MISHRA
 29-11-2011
 Presiding Officer
 Labour Court, Jeypore
 Koraput

FORM-K

(Under Rule 64 of the Odisha Industrial Disputes Rule, 1959)

MEMORANDUM OF SETTLEMENT DATED 24th September, 2011 between Shri Niranjana Kumar Raju, ex-Operator 'C' of M/s IMFA Ltd., Therubali and the Management of IMFA Ltd., Therubali

REPRESENTING THE EMPLOYER

Mr. Dhananjaya Senapati
VICE PRESIDENT (OPERATIONS)
M/s IMFA Ltd.

REPRESENTING THE WORKMAN

Mr. Niranjana Kumar Raju
Ex-Operator 'C'
M/s IMFA Ltd.

SHORT RECITAL OF THE CASE

Shri Niranjana Kumar Raju, ex-Operator 'C' working under M/s Indian Metals & Ferro Alloys Ltd., Therubali raised a complaint before the District Labour Officer, Rayagada regarding his dismissal from the services of the company with effect from the 13th June 2006 on the ground of unauthorised absent and subsequently due to failure in conciliation, the matter has been referred to the Labour Court, Jeypore vide I.D. Case No. 21 of 2007. Subsequently, Shri N. K. Raju approached and requested the management of M/s IMFA Ltd., that he is no more interested to pursue the I. D. referred case before the Hon'ble Labour Court, Jeypore as his dismissal from services of the Company with effect from the 13th June 2006 is legal and justified. Moreover, he has already been engaged in other business of private and to settle all the issues by way of an out of the Court settlement with the management of M/s IMFA Ltd. Considering his request after mutual discussion with Shri N. K. Raju, the following terms of settlement have been arrived at.

TERMS OF SETTLEMENT

1. Shri Niranjana Kumar Raju, ex-Operator 'C' understands and agrees that this settlement finally sets at rest any or all disputes, whether existing or intended, with regard to the engagement, non-engagement or any other terms of engagement with effect from this day.
2. With the signing of this settlement, Shri Niranjana Kumar Raju shall not raise any dispute regarding his disengagement before any Authority, Court or Forum. In case, a dispute is raised the same shall be treated as null and void.
3. In response to the request of Shri N. K. Raju, on humanitarian ground, an amount of Rs. 30,000 (Rupees thirty thousand only) shall be paid to him towards *ex gratia*, besides the statutory dues like Gratuity and Provident Fund as admissible to him, by way of settling all his dues, claims and intended reliefs whatsoever.
4. This settlement dissolves all claims both tangible and non-tangible with regard to wages, salary and any other statutory dues from the date of his dismissal i.e., with effect from the 13th June 2006 and Shri N. K. Raju shall not claim any further amount in terms of arrear wages, back wages, goodwill, *ex gratia* or compensatory amount after execution of this settlement.

5. In view of the I.D. Case No. 21 of 2007 pending with Hon'ble Labour Court, Jeypore, this settlement shall be mutually submitted by both the parties praying for an award as all the disputes are hereby mutually & amicably resolved vide this settlement.

6. This settlement is executed without any pressure, bias and or prejudice of the parties concern.

SIGNATURE OF THE PARTIES

(DHANANJAYA SENAPATI)
VICE PRESIDENT (OPERATIONS)
M/s IMFA Ltd.
First party—Management

(Niranjan Kumar Raju)
Ex-Operator 'C'
M/s IMFA Ltd.
Second party—Workman

Witnesses :

1. Mr. N. K. Das, Advocate, Rayagada
2. Mr. A. C. Swain, Manager (Personnel), IMFA Ltd., Therubali
3. Mr. A. V. Ramakrishna, Operator 'D', IMFA Ltd., Therubali

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

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