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LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 17th December 2012

No. 10404—IR (ID) 109/2011-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 5th November 2012 in Industrial Dispute Case No. 19/2011 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the management of M/s B.R. Sponge & Power Ltd., Tumkela, Bonai and their workman Shri Udayanath Mohanta represented through Sundargarh Mazdoor Sangha was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT
SAMBALPUR

INDUSTRIAL DISPUTE CASE No. 19 OF 2011

Dated the 5th November 2012

Present :

Shri Srikanta Mishra, L.L.M.,
Presiding Officer,
Labour Court,
Sambalpur.

Between :

The Management of
M/s B.R. Sponge & Power Ltd.,
Tumkela, Bonai,
P.O. Sardhapur,
Dist. Sundargarh.

.. First Party—Management

And

Their Workman
Shri Udayanath Mohanta,
represented through the
General Secretary,
Sundargarh Mazdoor Sangha,
HIG/1-113, Phase-III,
Kalinga Vihar, Chhend,
Rourkela,
Dist. Sundargarh.

.. Second Party—Workman

Appearances :

None . . For the First Party—Management

None . . For the Second Party—Workman

AWARD

This Award arises out of a reference under Section 10 (1) (c) of the I.D. Act, made by the Government of Odisha, Labour & Employment Department vide their Notification No.11315—IR (ID)-109/2011-LE., Dt. 15-11-2012 for adjudication. The schedule of reference is as follows :—

“Whether the termination of services of Shri Udayanath Mohanta, an unskilled labourer by way of refusal of employment with effect from the 13th March 2010 by the management of M/s B.R. Sponge & Power Ltd., Tumkela, Bonai is legal and/or justified ? If not, what relief Shri Mohanta is entitled to ?”

2. Perused the record. The second party Union representing the workman Shri Udayanath Mohanta lodged complaint before the District Labour Officer, Rourkela and the said forum could not settle the dispute and submitted no settlement report on the basis of which the reference was made. The second party was directed to submit statement of claim within 15 days of receipt of the order of reference but it did not comply the same. Even after issuance of notices, the second party did not turn up. In absence of any pleading and evidence, the Court is unable to answer the questions under the reference of either way.

The reference under Section 10 (1) of the I.D. Act is disposed of accordingly.

Dictated and corrected by me.

SRIKANTA MISHRA
5-11-2012
Presiding Officer
Labour Court
Sambalpur

SRIKANTA MISHRA
5-11-2012
Presiding Officer
Labour Court
Sambalpur

By order of the Governor

J. DALANAYAK

Under-Secretary to Government