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LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 17th December 2012

No. 10430—li/1(B)-13/2005-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 4th September 2012 in Industrial Dispute Case No. 27 of 2005 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s Eastern Roller Flour Mills (P) Ltd., Jagatpur, Cuttack and their workman Smt. Taramani Sahu was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 27 OF 2005

Dated the 4th September 2012

*Present :*

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

*Between :*

The Management of M/s Eastern  
Roller Flour Mills (P) Ltd.,  
Jagatpur, Cuttack. . . . . First Party—Management

And

Their workman . . . . . Second Party—Workman  
Smt. Taramani Sahu

*Appearances :*

For the First Party—Management . . . . . Shri B. Das, Assistant Manager

For the Second Party—Workman . . . . . Shri T. Lenka, Vice-President  
Shri S. N. Biswal, General Secretary

## 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. 5637—II/1(B)-13/2005-LE., dated the 4th July, 2005.

“Whether the termination of service of Smt. Taramani Sahu with effect from the 15th October 2002 by the Management of M/s Eastern Roller Flour Mills (P) Ltd., New Industrial Estate, Jagatpur, Cuttack is legal and/or justified ? If not, to what relief Smt. Sahu is entitled ?”

2. The case of the workman in brief, as set out in her statement of claim is that she initially engaged as a labour under the management in the year 1989 for cleaning of wheat. All of a sudden, the management refused employment with effect from the 15th October 2002. According to the workman, no charge was framed against her and no enquiry had been conducted prior to refusal of such employment. Further the workman has stated that at the time of refusal of employment, no notice or notice pay and compensation has not been paid to him. On these averments, the workman has prayed for her reinstatement in service with full back wages.

3. On the other hand, the management appeared and filed written statement denying the engagement of the workman under its establishment. According to the management, the workman was working under a labour contractor and the said contractor left work after completion of the contract period. Thereafter the workman did not turn up. However, on the 11th September 2007 the workman came and requested the management to give some amount towards full and final settlement of dues and after amicable settlement an amount of Rs. 6,000 was paid to the workman towards full and final settlement. On these back grounds, the management has stated that as the dispute has already been settled the workman is not entitled to get any relief as prayed for.

4. In view of the above pleadings of the parties, the following issues are settled :—

## ISSUES

- (i) “Whether the termination of services of Smt. Taramani Sahu with effect from the 15th October 2002 by the Management of M/s Eastern Roller Flour Mills (P) Ltd., New Industrial Estate, Jagatpur, Cuttack is legal and/or justified ?
- (ii) If not, to what relief Smt. Sahu is entitled ?”

5. During the hearing of the present case, both the parties remained absent and have not adduced any evidence from either side. Law is well settled that :

“If a workman remains absent, it becomes the duty of the Tribunal to consider the claim statement filed by the workman as well as the written statement filed by the management and any other record which is made available to the Labour Court and it should answer the point of dispute referred to it on merit.”

So, in view of the above settled position of law, now this Court have to answer the point of dispute referred to this court on merit.

6. On perusal of the statement of claim filed by the workman and the written statement along with documents filed by the management, it shows that during pendency of the present case, the workman has received an amount of Rs. 6,000 as full and final settlement and accordingly the workman has given an undertaking to that effect. The management has filed a voucher in which the workman has signed on it after receipt of Rs. 6,000. So, when the workman had already amicably settled the dispute out of the Court and had given in writing not to proceed with this case, now the workman has no claim in this case. So, the workman is not entitled to get any relief in this case as prayed for.

7. Hence Ordered :

That the termination of services of Smt. Taramani Sahu with effect from the 15th October 2002 by the Management of M/s. Eastern Roller Flour Mills (P) Ltd., New Industrial Estate, Jagatpur, Cuttack is legal and justified. The workman Smt. Sahu is not entitled to get any relief as prayed for.

The reference is answered accordingly.

Dictated and corrected by me.

S. A. K.Z. AHAMED  
4-9-2012  
Presiding Officer  
Labour Court, Bhubaneswar

S. A. K.Z. AHAMED  
4-9-2012  
Presiding Officer  
Labour Court, Bhubaneswar

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