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## LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 7th May 2012

No. 3557—li/1(BH-I)-9/2004 (pt.)-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 19th October 2011 in Industrial Dispute Case No. 74 of 2004 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s Henapoly Products Pvt. Ltd., Ganeswarpur, Januganj, Balasore and its Workman Shri Srihari Bisoi was referred to for adjudication is hereby published as in the Schedule below :

### SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 74 OF 2004

Dated the 19th October 2011

Present :

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

Between :

The Management of  
M/s Henapoly Products Pvt. Ltd.,  
Ganeswarpur,  
Januganj,  
Balasore.

.. First Party—Management

And

Its Workman,  
Shri Srihari Bisoi

.. Second Party—Workman

Appearances :

None . . . For the First Party— Management

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Shri Srihari Bisoi . . . Second Party— Workman himself

#### AWARD

The Government of Odisha, in exercise of powers conferred by sub-section (5) of Section 12, read with clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the matter in dispute to this Court vide Order No. 10306—li-1 (BH-I)-9/2004-LE., dated the 16th November 2004 of the Labour & Employment Department, Bhubaneswar for adjudication.

2. The terms of reference is as follows :

“Whether the termination of services of Shri Srihari Bisoi, Sticking Operator with effect from the 30th November 1999 by the management of M/s Henapoly Products Pvt. Ltd., Ganeswarpur, Balasore in legal and/or justified ? If not, what relief is the workman entitled to ?”

3. The case of the workman, in brief, as set out in his statement of claim is that he was appointed as Sticking Operator under the management with effect from the 18th March 1989. All of a sudden the management terminated his service with effect from the 30th November 1999 without framing any charge or without conducting any domestic enquiry against the workman. The management has falsely implicated the workman in a theft case of a bicycle on 29-11-1999. But no F.I.R. was lodged in the Police Station against him. So in this background, the workman has prayed that he is entitled to be reinstated in service with full back wages.

4. The management was set *ex parte*.

5. In order to substantiate his plea, the workman has examined himself as W.W.1 and proved documents such as, xerox copy of explanation, Dt. 30-11-1999, xerox copy of E.S.I. card and xerox copy of E.P.F. accounts slip under the cover of Exts.1 to 3 respectively.

6. The workman in his affidavit evidence has corroborated the facts as stated in his statement of claim. Since the management was set *ex parte* and the evidence both oral and documentary tendered by the workman have remained unchallenged, I have no option but to answer in affirmative.

7. On perusal of the documents, it reveals that the workman was called for an explanation by the management on 30-11-1999 wherein the workman along with three other co-workers were illegally implicated in a theft case of by-cycle under the cover of Ext.1. According to the workman, the management has not lodged any F.I.R. in the Police Station for such alleged theft. The workman has further deposed that though the explanation was called for from him, but neither any charge was framed nor any domestic enquiry was conducted by the management against him. According to the workman, he has worked from 18-3-1989 to 30-11-1999 continuously and has worked for more than 240 days in every year. But the management at the time of termination of his service, has not paid one month's prior notice or notice pay in lieu thereof and also retrenchment

compensation. Therefore, the management has violated the provisions of Section 25-F of the Industrial Disputes Act, 1947 which is a mandatory and precondition one. So, in my view, the termination of services of the workman with effect from the 30-11-1999 by the management is neither legal nor justified. So the workman is entitled to be reinstated in service with full back wages.

8. Hence Ordered :

That the termination of services of Shri Srihari Bisoi, Sticking Operator with effect from 30-11-1999 by the management of M/s Henapoly Products Pvt. Ltd., Ganeswarpur, Balasore is illegal and unjustified. The workman Shri Bisoi is entitled to be reinstated in service with full back wages. The management is directed to implement the Award within a period of one month from the date of its publication, failing which 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  
19-10-2011  
Presiding Officer  
Labour Court  
Bhubaneswar

S.A.K.Z. AHAMED  
19-10-2011  
Presiding Officer  
Labour Court  
Bhubaneswar

By order of the Governor  
M. R. CHOUDHURY  
Under-Secretary to Government