

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1107 CUTTACK, MONDAY, JUNE 17, 2013/JAISTHA 27, 1934

LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 3rd June 2013

No. 5210—IR (ID)-117/2011-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 4th April 2013 in Industrial Dispute Case No. 12 of 2012 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the Management of Hindalco Industries Ltd., Hirakud Complex, Hirakud, Dist. Sambalpur and their Workman Shri Susanta Kumar Pattnaik 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. 12 OF 2012

The 4th April 2013

Present :

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

Between :

The Management of
M/s. Hindalco Industries Ltd.,
Hirakud Complex,
Hirakud,
Dist. Sambalpur.

.. First Party—Management

And

Their Workman . .
Shri Susanta Kumar Pattanayak,
At/P.O. Dang (Near Rani Sati Mandir),
P.S. Bargarh, Odisha.

.. Second Party—Workman

Appearances :

For the First Party—Management	..	Shri P. Pattanaik, Sr. Officer, HR
<hr/>		
For the Second Party—Workman	..	Self.

AWARD

This award arises out of a reference made by the Government of Odisha, Labour & Employment Department under the 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) (for short the “Act”:) vide order under memo. No. 1290 (5) dated the 21st February 2012. The dispute involved under the schedule of reference is as follows :—

“Whether the action of the management of M/s. Hindalco Industries Ltd., Hirakud Smelter, Hirakud, Dist. Sambalpur in terminating the services of Shri Susanta Kumar Pattanayak, Temporary Junior Operator, Trainee by way of refusal of employment with effect from the 29th January 2008 is legal and/or justified ? If not, to what relief Shri Pattnaik is entitled ?”

2. The case of the second party in brief is that in response to letter Dt. 5-5-2006 of the first party management, he joined under him as Junior Operator on 15-5-2006. He performed his duties properly but since 30-1-2008 he was not allowed to enter to his work site for which he lost his mental balance and was treated in Burla Medical College Hospital. After recovery, he again approached the management to allow him to work but in vain. He then raised an Industrial Dispute before the Assistant Labour Officer, Sambalpur. The ALO-*cum*-Conciliation Officer could not settle the dispute and ultimately the matter was referred to this Court for adjudication.

3. The management did not file any written statement but it wanted to settle the dispute amicably. On 3-4-2013 a memorandum of settlement between both the parties in Form-K of Odisha Industrial Disputes Rules was filed and both the parties prayed to dispose of the case in terms of settlement, vide Order Dt. 3-4-2013 this Court found that the settlement arrived at between the parties was neither illegal nor unjust. As per the terms of the settlement the second party received a sum of Rs. 80,000 from the management under two cheques (Cheque No.595160, Dt.18-3-2013 for Rs. 59,825 and No. 595161, Dt. 18-3-2013 for Rs. 20,175) towards full and final settlement of the dispute. As per the terms of settlement the second party agreed that he is no more entitled for reinstatement in service under the first party and that he will not raise any dispute in future against the first party.

4. In view of the lawful settlement between the parties, the second party is not entitled to any relief and the reference needs be disposed of in terms of the settlement. Hence the following award.

AWARD

The reference is disposed of in terms of settlement. The memorandum of settlement in Form-K signed by both the parties on 3-4-2013 shall form part of the Award.

Dictated and corrected by me.

SRIKANTA MISHRA
4-4-2013
Presiding Officer
Labour Court, Sambalpur

SRIKANTA MISHRA
4-4-2013
Presiding Officer
Labour Court, Sambalpur

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

Form -K

(See sub-rule 5 of Rule 64 of Odisha ID Rules 1959)

Memorandum of Settlement between the management of Hindalco, Hirakud Smelter and its workman, Shri Susanta Kumar Pattanayak, S/o Mr. Brundaban Pattanayak, At/P.O. Dang, Near Rani Sati Mandir, Dist. Bargarh under sub-rule 5 of Rule 64 of Odisha ID Rules, 1959.

Name of the Parties :

The Representing the Employer	..	Mr. Prabhudutta Pattanaik, Sr. Officer, HR
The Representing the Workman	..	Shri Susanta Kumar Pattanayak, S/o Mr. Brundaban Pattanayak, At/P.O. Dang, Near Rani Sati Mandir, Dist. Bargarh.

Short facts of the case :

Shri Susanta Kumar Pattanayak, S/o Mr. Brundaban Pattanayak, At/P.O. Dang, Near Rani Sati Mandir, Dist. Bargarh accepting the terms and conditions of employment offered by the management of Hindalco, Hirakud at their letter dated 5-5-2006 joined at his work as Temporary Jr. Operator on and from 15-5-2006.

That on the ground of alleged unauthorised absence in duty from 30-1-2008 the management released him from service with effect from the 1st March 2009, which ultimately led to an Industrial Dispute and on consideration to the report submitted by the conciliation Officer and Asst. Labour Officer, Sambalpur under sub-section 4 of Section 12 of the ID Act, the appropriate Governemnt vide Order No. 1289, dated 1-2-2013 referred the dispute to Labour Court, Sambalpur for adjudication.

On reference of the dispute to Labour Court, Sambalpur by the Government, the workman approached the management repeatedly to settle his case on payment of Rs. 1,00,000 to him as he is no more interested to be reinstated at his job on the ground of his ill health. At this the management turned up the request of the workman and both the parties to the dispute having a bi-partite discussion on the issue of payment of Rs. 1,00,000 arrived at the following terms of the bi-partite settlement.

Terms of Settlement :

1. It is agreed by the management that Shri Susanta Kumar Pattanayak would be paid a lump sum amount of Rs. 80,000 inclusive of statutory legal dues towards the full and final settlement of the dispute raised by him.
2. It is also agreed by the management and Shri Susanta Kumar Pattanayak that on payment of this amount of Rs. 80,000 (in shape of cheque bearing Nos. 595160, dated 18-3-2013 for Rs. 59,825 and 595161, dated 18-3-2013 for Rs. 20,175) by the management to Shri Susanta Kumar Pattanayak, he would not be entitled for reinstatement at his job in the company at any circumstances in future.

3. It is further agreed by Shri Susanta Kumar Pattanayak that in future he will not also raise any dispute in any Court of Law for reinstatement in the employment and also any further financial claim.
4. It is further agreed by both the parties that they will make an application jointly to the Presiding Officer, Labour Court, Sambalpur furnishing the copy of this memorandum of settlement as their written statement towards the ID case No. 12/2012.

Signature of the Workman

Susanta Kumar Pattanayak

Signature of the managementHindalco Industries Limited
Hirakud Complex, Hirakud, 768 016
Sambalpur (Odisha)

Witnesses :

1. Brundaban Pattanayak
At/P.O Dang,
Bargarh.
2. B. P. Mohanty
Industrial Estate, Bargarh,
At/P.O. Bargarh,
P.S. Bargarh.

Witnesses :

1. Monaj Ku. Mallick,
C/o Rabindra Ku. Rana,
E-8, H.P.C.L. Colony,
At/P.O. Hirakud,
Dist. Sambalpur.
2. B.P. Mohanty
At/P.O. Bargarh,
P.S. Bargarh,
Dist. Bargarh.