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## LABOUR & E. S. I. DEPARTMENT

### NOTIFICATION

The 17th August 2013

No. 10514—IR-(ID)-76/2012-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 19th June 2013 in Industrial Dispute Case No. 20 of 2013 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the Management of M/s East India Steels (P) Ltd., Industrial Area, Rourkela and its Workman Shri Ganesh Tirkey, Crane Operator, represented through Sundargarh Mazdoor Sangha, Rourkela 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. 20 OF 2013

Dated the 19th June 2013

#### *Present :*

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

#### *Between :*

The Management of  
M/s. East India Steels (P) Ltd.,  
Industrial Area, Rourkela,  
Dist. Sundargarh-769004. . . . . First Party—Management

And

Its Workman  
Shri Ganesh Tirkey, Crane Operator,  
represented through  
Sundargarh Mazdoor Sangha,  
Rourkela, MIG/B-13, Phase-III,  
Stage-B, Kalinga Vihar,  
Chhend, Rourkela,  
Dist. Sundargarh-769015. . . . . Second Party—Workman

*Appearances :*

For the First Party—Management	..	None
For the Second Party—Workman	..	None

## AWARD

This award arises out of a reference made by the Government of Odisha, Labour & E.S.I Department under the power 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. 3651 (5), dated the 15th April 2013. The dispute involved under the Schedule of reference is as follows :—

“Whether the termination of services of Shri Ganesh Tirkey, Crane Operator with effect from the 5th April 2008 by the management of M/s. East India Steels Pvt. Ltd., Industrial Area, Rourkela is legal and/or justified ? If not, what relief Shri Tirkey is entitled to ?”

2. The second party named above filed a complaint before the Assistant Labour Commissioner, Rourkela-*cum*-Conciliation Officer, under the I.D. Act, on behalf of one Shri Ganesh Tirkey, alleging that the said person worked as a Crane Operator, under the management but was illegally terminated from service with effect from the 5th April 2008. The Conciliation Officer could not settle the dispute as the management denied the aforesaid person as its workman. On the basis of the failure report submitted by the A.L.C., the reference was made by the Government.

3. The Union though, was directed to file claim statement within 15 days of receipt of the order of reference it did not comply the same. Besides the notice sent to the Union from this Court by Regd. Post, returned unserved with the remark of the Postal Authorities that the “Addresses is not known”.

In view of the non-appearance of the second party and non-filing of claim statement, I am inclined to pass a No Dispute Award on the reference.

Dictated and corrected by me.

SRIKANTA MISHRA  
19-6-2013  
Presiding Officer  
Labour Court, Sambalpur

SRIKANTA MISHRA  
19-6-2013  
Presiding Officer  
Labour Court, Sambalpur

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