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**LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT**

**NOTIFICATION**

The 17th August 2013

No. 10599—IR(ID)-67/2012-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. 3 of 2013 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the Management of M/s Chatterjee Engineering, a contractor establishment in M/s Larsen and Toubro Ltd., Kansabahal, Dist. Sundargarh and their Workmen represented by the Kansbahal Industrial Labour Association 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. 3 OF 2013

Dated the 19th June 2013

*Present :*

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

*Between :*

The Management of  
the Employer M/s Chatterjee Engineering,  
a contractor establishment in  
M/s Larsen & Toubro Ltd., Kansbahal,  
Dist. Sundargarh. . . First Party—Management

And

Their workmen namely,  
(1) Naisor Kindo, (2) Dale Beck,  
(3) Sukra Baxla, (4) Thuppa Kujur, . . Second Party—Workmen

(5) Chandra Barla, (6) Nakul Lakra,  
 (7) Suresh Lakra, (8) Gangu Kujur,  
 (9) Bhaku Kindo, (10) Mano Kindo,  
 (11) Kaya Lakra, (12) Sukhu Kindo,  
 (13) Deepak Kindo, (14) Kishore Jojo,  
 (15) Bijay Lakra, (16) Raju Kindo,  
 (17) Stephan Lakra, (18) Tila Kindo,  
 (19) Mani Lakra, (20) Bandhan Kindo,  
 (21) Manahar Majhi, (22) Guju Barla,  
 (23) Bama Barla, (24) Bijay Dung Dung,  
 (25) Bablu Bhanja, (26) Somaru Tirkey,  
 (27) Christofar Tete, (28) Prakash Jojo,  
 (29) Name not available, (30) Sukra Barla,  
 (31) Anand Ekka, (32) Thupy Lakra,  
 (33) Goutam Tanty, (34) Giridhari Diuria,  
 (35) Ranjan Tanty, (36) Pradeep Baa,  
 (37) Sakho Tirkey.

All the above-named workmen  
 represented by the General Secretary,  
 Kansbahal Industrial Labour Association,  
 At/P.O. Kansbahal,  
 Dist. Sundargarh.

*Appearances :*

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

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. 786 (5), dated the 30th January 2013. The dispute involved under the Schedule of reference is as follows :—

"Whether the action of the management of M/s Chatterjee Engineering, a contractor establishment in M/s Larsen & Toubro Limited, At/P.O. Kansbahal, Dist. Sundargarh in terminating the services of 37 Nos. of workmen (as mentioned in Annexure-A) with effect from the 1st April 2007 by way of refusal of employment is legal and/or justified ? If not, what relief these workmen are entitled to ?"

2. The second party members named-above through the General Secretary, Kansbahal Industrial Labour Association raised the industrial dispute before the District Labour Officer, Rourkela, alleging that they were refused employment by the Contractor (first party) with effect from the 1st/ 2nd April 2007 without assigning any reason. The District Labour Officer, Rourkela-cum-Conciliation Officer, having taken views of the Union and Management found that there was no prospect for settlement of dispute at his level and he submitted a failure report to the Government on the basis of which the present reference was made.

3. Though, the notification of the reference by the Government, the Union and Workmen were directed to submit their statement of claim complete with relevant documents and list of witnesses before this Court, they did not comply the same. This Court also after registration of the case, issued notice vide Order, dated the 5th April 2013 by Regd. Post to the Union which did not turn up. The notice could not be served with endorsement of the postal authority that there is "No such Addressee". It appears from the above facts and circumstances that neither the workman nor their Union are interested to proceed with the case or adduce any evidence.

4. In absence of any statement of claim and evidence by the workmen, I am inclined to pass a No Dispute Award, so far as the reference is concerned.

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.

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