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LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 26th August 2013

No. 10875—li-1(B)-45/2007-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 14th March 2012 in Industrial Dispute Case No. 40 of 2007 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s S. K. Pradhan, Contractor of Paradeep Phosphates Ltd., Paradeep and its workman Shri Sarbeswar Das represented by Paradeep Phosphates Mazdoor Union was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 40 OF 2007

Dated the 14th March 2012

*Present :*

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

*Between :*

The Management of . . . First Party—Management  
M/s S. K. Pradhan, Contractor of  
Paradeep Phosphates Ltd., Paradeep.

*And*

Its workman . . . Second Party—Workman  
Shri Sarbeswar Das represented by  
Paradeep Phosphates Mazdoor Union.

*Appearances :*

None . . . For the First Party—Management

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Shri T. Lenka, Advocate . . . For the Second Party—Workman

## A W A R D

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 (14 of 1947) have referred the following dispute for adjudication vide Order No. 10911—li-1(B)-45/2007-LE., dated the 20th September 2007:—

“Whether the action of the management of M/s Sudhansu Kumar Pradhan, Contractor of Pradeep Phosphates Ltd., Paradeep in terminating Shri Sarbeswar Das, Contract Labour from service with effect from the 22nd March 2004 vide Order, dated the 21st April 2005 is legal and/or justified ? If not, what are the reliefs Shri Das is entitled to ?”

2. The case of the workman in brief as set out in his statement of claim is that he was initially joined his employment under the Quality Control Laboratory Department, Paradeep Phosphates Ltd. in the year 1987 through the first party management. The first party management issued notice to the workman on the 22nd November 2003 on the allegation of insubordination. On the 22nd March 2004 all on a sudden suspension order was issued by the first party management and directed the workman to attend the office of the first party management situated at Atharbanki (NAC) Market during working hour. On receipt of the suspension order the workman in his reply dated the 23rd March 2004 requested the management to change the reporting place during the suspension period and payment of subsistence allowance. On the 10th April 2004 the workman was charge-sheeted and one Sadananda Mishra (Advocate) was appointed as Enquiry Officer. After receipt of letter from the Enquiry Officer, the workman on the 25th September 2004 asked the management for payment of subsistence allowance for attending the enquiry. Again on the 5th November 2004 the workman made representation for supply of copy of charge-sheet and to change of place of enquiry and prayed to allow Mr. Santosh Swain and Antarayami Rout to represent on his behalf before the Enquiry Officer, but the Enquiry Officer turned deaf ear and completed the enquiry in the absence of workman and without giving opportunity passed order of dismissal, dated the 21st April 2005 which is neither legal nor justified. Hence the workman has prayed for his reinstatement in service with full back wages and other consequential benefits.

3. On the other hand, the first party management remained absent and ultimately set *ex parte* vide Order, dated the 24th October 2011.

4. In view of the unchallenged testimony of the second party workman and considering the documents filed, it is felt that he has genuine case and he is entitled to the reliefs claim.

5. Hence it is Ordered :

The present case is allowed in favour of the workman *ex parte* against the management. The action of the management of M/s Sudhansu Kumar Pradhan, Contractor of Paradeep Phosphates Ltd., Paradeep in terminating Shri Sarbeswar Das, Contract Labour from service with effect from the 22nd March 2004 vide Order, dated the 21st April 2005 is neither legal nor justified. The workman Shri Das is entitled to be reinstated in service with 50% back wages. The management is directed to implement this Award within one month from the date of its publication failing 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

14-03-2012

Presiding Officer

Labour Court, Bhubaneswar

S. A. K.Z. AHAMED

14-03-2012

Presiding Officer

Labour Court, Bhubaneswar

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By order of the Governor

J. DALANAYAK

Under-Secretary to Government