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**LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT**

NOTIFICATION

The 17th January 2013

No. 473—li/1(B)-70/2006-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 29th August 2011 in Industrial Dispute Case No. 72 of 2006 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of the Principal, Balasore College, Sovarampur, Balasore and his Workman Shri Dibakar Pati was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 72 OF 2006

Dated the 29th August 2011

*Present :*

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

*Between :*

The Principal,  
Balasore College, Sovarampur,  
Balasore. . . First Party—Management

And

Its Workman,  
Shri Dibakar Pati. . . Second Party—Workman

*Appearances :*

None . . For the First Party—Management

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Shri D. Pati . . 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 have referred the matter in dispute to this Court vide Order No. 9423—li/1(B)--LE., dated the 30th October 2006 of the Labour & Employment Department, Bhubaneswar for adjudication.

2. The case of the workman is as follows :—

"Whether the termination of Shri Dibakar Pati, Library Attendant from services with effect from the 25th September 2003 by way of refusal of employment by the Principal, Balasore College, Sovarampur, Balasore is legal and/or justified ? If not, what relief Shri Pati is entitled to get ?"

3. The workman's case, in brief, as set out in his statement of claim is that he was appointed as a Library Attendant vide Office Order No. 288, dated the 15th December 1987 and joined on 4-1-1988. He continued to work as such without any break till 24-9-2003. But all of a sudden on 25th September 2003, the management refused his employment without any reason. At the time of refusal of employment, the management has not followed the provisions of Section 25-F of the Industrial Disputes Act. Though the management had assured the workman to regularise his service, but subsequently without any rhyme or reason, terminated his service. So he approached the concerned District Labour Officer. A conciliation proceeding started which ended in failure. Hence, the reference was made for adjudication. The workman has prayed for his reinstatement 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 appointment letter vide Office Order No. 288, dated the 15th December 1987 and the xerox copy of Letter No. 357/84-1447-SSE., dated the 29th January 1987 under the cover of Exts. 1 and 2 respectively.

6. The workman in his affidavit evidence has stated that he was appointed as Library Attendant on 4-1-1988 under the cover of Ext. 1 and continued to work as such till the date of illegal termination of his service. On 25-9-2003, when he went to report for duty, the management refused his employment. Since the management has been set *ex parte* and the evidence both oral and documentary tendered by the workman have remained uncontroverted, I have no option but to answer in affirmative in favour of the workman.

7. It is stated by the workman that no notice was served on him before he was terminated. Also notice pay or any compensation was paid to him before refusal of employment by the management. Thus the management has contravened the provisions of Section 25-F of the Industrial Disputes Act which is a mandatory and pre-condition one. In the result, therefore, in my opinion, the workman is entitled to be reinstated in service with full back wages.

8. Hence, it is ordered :

That the termination of Shri Dibakar Pati, Library Attendant from services with effect from the 25th September 2003 by way of refusal of employment by the Principal, Balasore College,

Sovarampur, Balasore is neither legal nor justified. The workman Shri Pati is entitled to be reinstated in service with full back wages. The management is directed to implement this Award within a period of two months from the date of its publication failing which the amount shall carry interest at the rate of 10% (Ten per cent) per annum till its realisation.

The reference is answered accordingly *ex parte*.

Dictated and corrected by me.

S. A. K. Z. AHAMED  
29-8-2011  
Presiding Officer  
Labour Court, Bhubaneswar

S. A. K. Z. AHAMED  
29-8-2011  
Presiding Officer  
Labour Court, Bhubaneswar

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