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LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT

NOTIFICATION

The 18th January 2013

No. 521—li-I(B)-09/2009-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 7th June 2012 in I. D. Case No. 9 of 2009 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of (1) M/s Panther Security Service, 532-Satyanagar, Bhubaneswar, (2) Branch Manager, Odisha State Beverages Corporation Ltd., Cuttack Branch, Nirgundi Depot, Harianta, Cuttack and their Workman Shri Rajendra Barik, Depot Attendant represented through Cuttack Commercial Worker's Union, Goshala Road, Nayabazar, Cuttack was referred to for adjudication is hereby published as in the Schedule below :—

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 9 OF 2009

Dated the 7th June 2012

Present :

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

Between :

1. The Management of .. First Party—Management
M/s Panther Security Service,
532-Satyanagar, Bhubaneswar.
2. The Branch Manager, Odisha State
Beverages Corporation Ltd., Cuttack Branch,
Nirgundi Depot, Harianta, Cuttack.

And

Their Workman Shri Rajendra Barik, .. Second Party—Workman
Depot Attendant represented through
Cuttack Commercial Workers Union,
Goshala Road, Nayabazar, Cuttack.

Appearances :

None	.. For the First Party—Management
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Shri S. N. Biswal, Gen. Secy.	.. For the Second Party—Workman
Shri T. Lenka, Vice-President	
Shri B. Satapathy, President	

AWARD

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 have referred the following dispute to this Court for adjudication vide Order No. 3634— li-1(B)-9/2009-LE., dated the 15th April 2009.

“Whether the termination of services of Shri Rajendra Barik, Depot Attendant by the management of Odisha State Beverages Corporation Ltd. and M/s Panther Security Service with effect from the 28th December 2007 by way of refusal of employment is legal and/or justified ? If so, what relief the workman is entitled to ?”

2. The case of the workman, in brief, as set out in his statement of claim is that he initially joined as Depot Attendant with effect from the 19th October 2001 under the management. After eight months the workman was transferred to Manguli Depot as per the direction of the management No. 1 and worked till 27th December 2007. On 28th December 2007 when the workman went to join in his duty, the management No. 2 did not allow him to join in his duty. Thereafter the workman submitted several representations before the management and also personally approached to take back him in his employment. But the management turned deaf ear. Finding no other alternative, the workman raised the present dispute wherein he has prayed for his reinstatement in service with full back wages and other service benefits.

3. In spite of valid notices, both the management neither filed any written statement nor contested the present proceeding. Hence both the management were set *ex parte* vide order, dated the 2nd December 2011.

4. In the *ex parte* hearing, in order to substantiate his claim, the workman has examined himself as W.W. 1 and proved the documents under the cover of Exts. 1 to 11.

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

6. Hence Ordered :

That the termination of services of Shri Rajendra Barik, Depot Attendant by the management of Odisha State Beverages Corporation Ltd. and M/s Panther Security Service with effect from the

28th December 2007 by way of refusal of employment is neither legal nor justified. The workman Shri Barik is entitled to be reinstated in service with full back wages. Both the managements are directed to implement this Award within a period of 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
7-6-2012
Presiding Officer
Labour Court
Bhubaneswar

S. A. K. Z. AHAMED
7-6-2012
Presiding Officer
Labour Court
Bhubaneswar

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