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## LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT

### NOTIFICATION

The 5th November 2013

No. 12725—IR-(ID)-146/2012-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 6th September 2013 in I. D. Case No. 8 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 their workman Shri Deepak Ekka 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. 8 OF 2013

Dated the 6th September 2013

*Present :*

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

*Between :*

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

And

Their workman, .. Second Party—Workman  
Shri Deepak Ekka,  
represented through the General Secretary,  
Sundargarh Mazdoor Sangha, HIG/B-113, Phase-III,  
Stage-B, Kalinga Vihar, Chhend, Rourkela,  
Dist. Sundargarh-15.

*Appearances :*

None .. For the First Party—Management

None .. For the Second Party—Workman

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## 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. 2134 (5), dated the 2nd March 2013. The dispute involved under the schedule of reference is as follows :—

"Whether the termination of services of Shri Deepak Ekka, Helper with effect from the 23rd August 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 Ekka is entitled to ?"

2. In this case the workman did not turn up to file his statement of claim. On perusal of the record, it is found that the General Secretary, Sundargarh Mazdoor Sangha vide letter, Dt. 9-9-2008 filed a complaint before the Assistant Labour Commissioner, Rourkela, alleging illegal retrenchment of 28 workmen by the management of M/s East India Steels Pvt. Ltd., Industrial Area, Rourkela-04. The complainant specifically insisted for intervention on the termination of employment of one Deepak Ekka, Helper with effect from the 23rd August 2008. The management submitted a counter before the Assistant Labour Commissioner-*cum*-Conciliation Officer, Rourkela, denying the status of the said workman as a worker in their unit. Since the said officer found no scope for amicable settlement between the parties, he submitted a failure report under Section 12 (4) of the I.D. Act and on that basis the State Government referred the dispute for adjudication by this Court.

3. As per the copy of the Government Notification available in case record, the General Secretary of the Labour Association, representing the workman was required to file statement of claim with relevant documents and list of witnesses before this Court but the same was not complied. This Court also sent registered notice to the representative of the workman i.e. the second party. But the same was returned back with endorsement of the Postal Department that the "Addressee is not known". The case of the workman Shri Deepak Ekka was initially prosecuted by the General Secretary of the Sundargarh Mazdoor Sangha on whom the notice could not be served. There is no detail particulars about the workman such as his father's name, address (permanent or present) available in any of the document in the case record. Therefore, it is not at all possible to locate the workman and consider his grievance, if any.

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

Dictated and corrected by me.

SRIKANTA MISHRA  
6-9-2013  
Presiding Officer  
Labour Court  
Sambalpur

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6-9-2013  
Presiding Officer  
Labour Court  
Sambalpur

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