

# The Odisha Gazette

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**LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT**

NOTIFICATION

The 28th November 2013

No. 13508—IR(ID)-162/2012-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 25th October 2013 in Industrial Dispute Case No. 19 of 2013 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the Management of M/s Renuka Electricals, a contractor establishment under M/s L. & T. Ltd., Dist. Sundargarh and their Workmen represented by 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. 19 OF 2013

Dated the 25th October 2013

*Present :*

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

*Between :*

The Management of . . . First Party—Management  
M/s Renuka Electricals,  
a contractor establishment under  
M/s Larsen & Toubro Ltd.,  
Dist. Sundargarh.

And

Their workmen . . . Second Party—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

The facts of the case in brief is that one Janyarush Tete & 27 others worked under the first party No. 1, a contractor under the establishment of the first party No. 2 for certain period. The management all of a sudden refused their employment with effect from the 2nd April 2007 without assigning any reason. The aforesaid 28 workmen filed a complaint before the Deputy Labour Commissioner, Rourkela alleging illegal refusal of employment. The matter was enquired into by the District Labour Officer, Rourkela-cum-Conciliation Officer under the I. D. Act. Before the Conciliation Officer, the management submitted that out of 28 retrenched workmen, 20 workmen have already received their full and final dues. 10 of the retrenched workmen were employed by the management and others would be employed soon after the vacancy arises in future. The District Labour Officer, Rourkela could not make a conciliation and therefore, submitted a failure report under Section 12(4) of the I. D. Act, before the Government and on that basis, the present reference was made by the Government of Odisha in 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. 3726(5), dated the 16th April 2013. The dispute involved under the schedule of reference is as follows :

"Whether the action of the management of M/s Renuka Electricals, a contractor establishment under M/s Larsen & Toubro Limited, Dist. Sundargarh in terminating the services of 28 Nos. of workmen (as mentioned in Annexure-A) with effect from the 2nd April 2007 by way of refusal of employment is legal and/or justified ? If not, what relief these workmen are entitled to ?"

2. It reveals from record that the grievance of 28 Nos. of workmen was taken up for prosecution by the General Secretary, Kansabahal Industrial Labour Association who was made the second party. Despite the direction of the Government the Association did not file statement of claim, documents, list of reliances and witnesses before this Court. A registered notice was sent in the proper address of the second party but the same returned unserved with postal remark "No such Addressee". None appeared on behalf of the second party. In absence of statement of claim and admissible evidence, I am inclined to pass a No Dispute Award in so far as the reference is concerned.

Dictated and corrected by me.

SRIKANTA MISHRA  
25-10-2013  
Presiding Officer  
Labour Court, Sambalpur.

SRIKANTA MISHRA  
25-10-2013  
Presiding Officer  
Labour Court, Sambalpur.

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