

# The Odisha Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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No. 2436 CUTTACK, FRIDAY, DECEMBER 13, 2013/MARGASIRA 22, 1935

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## LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT

### NOTIFICATION

The 3rd December 2013

No. 13670—IR-(ID)-68/2012-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 28th October, 2013 in I. D. Case No. 4 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 its workman Shri Deepak Sahoo, Ex-Helper represented through Sundergarh Mazdoor Sangha, Rourkela 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. 4 OF 2013

Dated the 28th October 2013

*Present :*

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

*Between :*

The Management of  
M/s East India Steels (P) Ltd.,  
Industrial Area, Rourkela,  
Dist. Sundergarh-769 004.

.. First Party—Management

And

Its workman,  
Shri Deepak Sahoo,  
Ex-Helper represented through the  
General Secretary, Sundergarh Mazdoor Sangha,  
HIG/B-113, Phase III, Stage B, Kalinga Vihar,  
Chhend, Rourkela, Dist. Sudergarh-769 015.

.. Second Party—Workman

*Appearances :*

None	.. For the First Party—Management
None	.. For the Second Party—Workman

**AWARD**

This award arises out of a reference made by the Government of Odisha, Labour & ESI 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. 791 (5), dated the 30th January, 2013. The dispute involved under the schedule of reference is as follows :—

“Whether the termination of services of Shri Deepak Sahoo, Helper with effect from the 2nd August, 2008 by the management of M/s East India Steels Pvt. Ltd., Industrial Area, Rourkela is legal and/or justified ? If not, to what relief Shri Sahoo is entitled to ?”

2. The second party named above filed a complaint before the Assistant Labour Commissioner, Rourkela-*cum*-Conciliation Officer, under the I. D. Act, on behalf of Shri Deepak Sahoo, alleging that the said person worked as a Helper under the first party management for certain period but was illegally terminated from service with effect from the 2nd August, 2008. The management appeared before the Conciliation Officer and submitted that the workman remained unauthorised absence from duty with effect from the 12th June, 2008 and after due call he did not attend his duty nor intimated any reason. His attempt for conciliation failed and therefore, he submitted a failure report under Section 12 (4) of the said Act.

3. The second party (Labour Union) though was directed to file claim statement within 15 days of receipt of the order of reference neither it nor the concerned workman complied the same. A registered notice was sent from this Court calling upon the second party to file statement of claim but the said notice returned back with endorsement “No such addressee”.

4. In view of the non-appearance of the second party and non-filing of claim statement, I find no evidence to arrive at a conclusion that the termination of service of Shri Deepak Sahoo by the first party was illegal or unjustified. The workman is therefore, not entitled to any relief in the present case. In such view of the matter, I am inclined to pass a “No Dispute Award” in so far as the reference is concerned.

Dictated and corrected by me.

SRIKANTA MISHRA  
28-10-2013  
Presiding Officer  
Labour Court  
Sambalpur

SRIKANTA MISHRA  
28-10-2013  
Presiding Officer  
Labour Court  
Sambalpur

By order of the Governor

J. DALANAYAK  
Under-Secretary to Government