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## LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT

### NOTIFICATION

The 3rd December 2013

No. 13685—IR-(ID)-159/2012-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 25th October 2013 in I. D. Case No. 18 of 2013 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the Management of M/s TRL Krosaki Refractories Ltd., At/P.O. Belpahar, Dist. Jharsuguda and their workman Shri Motilal Ranbida 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. 18 OF 2013

Dated the 25th October 2013

*Present :*

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

*Between :*

The Management of  
M/s TRL Krosaki Refractories Ltd.,  
At/P.O. Belpahar, Dist. Jharsuguda.

.. First Party—Management

And

Their workman,  
Shri Motilal Ranbida,  
Ward No. 10, Gomadera,  
(School Pada, Near Prem Sagar Club),  
Belpahar, Dist. Jharsuguda.

.. Second Party—Workman

**Appearances :**

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

**AWARD**

The workman named above claiming to have worked as Agriculture Field Worker for about 20 years under the management and illegally terminated from service with effect from the 20th December 2010, filed a complaint before the District Labour Officer, Jharsuguda-cum-Conciliation Officer under the Industrial Disputes Act, 1947. The said officer took views of both parties. The management submitted before the District Labour Officer that the Complainant was working voluntarily and was not a workman. Since the attempt for conciliation failed, a conciliation failure report was submitted under Section 12 (4) of the I. D. Act and on that basis the present reference was made by the Government of Odisha in 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. 3372 (7), Dated the 6th April 2013. The dispute involved under the schedule of reference is as follows :—

“Whether the action of the management of M/s TRL Krosaki Refractories Ltd., (formerly known as Tata Refractories Ltd.), At/P.O. Belpahar, Dist. Jharsuguda in terminating the services of Shri Motilal Ranbida with effect from the 20th December 2010 by way of refusal of employment is legal and/or justified ? If not, to what relief Shri Ranbida is entitled ?”

2. The workman did not file his statement of claim, documents and list of reliances and witnesses as per the direction of the Government in the Notification. After registration of the case, notice was issued to the workman from this court by Regd. Post calling upon him to file his statement of claim. Although the notice was sent in the proper address of the workman, he did not turn up nor sent the statement of claim. Under the above circumstances, it is felt that he is not at all interested to proceed against the management. In absence of the statement of claim and evidence from the side of the workman, I am inclined to hold that the termination of service of the workman by the management with effect from the 20th December 2010 can not be said to be illegal or unjustified. In view of the own conduct of the workman I am further inclined to hold that he is not entitled to any relief. In the ultimate result, a “No Dispute Award” is passed 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

B. PRADHAN  
Addl. Secretary to Government