

# The Odisha Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

---

No. 2456 CUTTACK, THURSDAY, DECEMBER 19, 2013 / MARGASIRA 28, 1935

---

LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT

NOTIFICATION

The 3rd December 2013

No. 13690—IR (ID)-161/2012-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. 17 of 2013 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the Management of M/s SCAN Steels Ltd. (Unit-II), Budhakata, Kutra, Sundargarh and their workman Shri Gagan Purohit 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. 17 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 SCAN Steels Ltd. (Unit-II),  
Budhakata, Kutra, Sundargarh/  
Head Office M/s SCAN Steels Ltd.,  
At Main Road, Rajgangpur, Sundargarh.

And

Their workman, .. Second Party—Workman  
Shri Gagan Purohit,  
S/o Shri Bhagban Purohit,  
Vill./P.O. Panchara, P.S. Kutra,  
Dist. Sundargarh.

*Appearances :*

None .. For the First Party—Management

---

None .. For the Second Party—Workman

## AWARD

The workman named above claiming to have worked as Fitter under M/s SCAN Steels Limited (here-in-after called as the Management) and getting wages @ Rs. 4,000 per month, filed a complaint before the Sub-Collector, Sundargarh, alleging to have been illegally terminated from service by the management with effect from the 2nd May 2010. The complaint was sent to the conciliation Officer-cum-Assistant Labour Officer, Sundargarh who tried to make a conciliation. The management through its Personnel Officer appeared before the Conciliation Officer and submitted that the workman was never retrenched and rather he voluntarily abandoned his service. He further submitted that letters sent to the workman regarding unauthorised absence was not replied by the workman. On failure of conciliation, a report was submitted to the Government by the Conciliation Officer-cum-Assistant Labour Officer, Sundargarh. On the basis of which the present reference was 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. 3382 (6), 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 SCAN Steels Ltd., Unit-II, Budhakata, Kutra, Sundargarh in terminating the services of Shri Gagan Purohit with effect from the 2nd May 2010 by way of refusal of employment is legal and/or justified ? If not, to what relief Shri Purohit is entitled ?”

2. The case was registered for the purpose of determining whether the termination of service of the workman with effect from the 2nd May 2010 by the management was legal or justified ? It is further to be decided as to what relief, if any, the workman is entitled. The workman, in compliance to the Government Notification and direction of the Government did not file statement of claim and list of reliances and witnesses before this Court. The workman was issued with a notice from this Court by Regd. Post calling upon him to file statement of claim but despite service of notice, he did not turn-up. He also did not send any statement of claim. The allegation of workman that he was illegally terminated from service is not supported by any admissible evidence on record. Since the workman did not file statement of claim nor adduced any evidence, I am inclined to hold that his termination of service with effect from the 2nd May 2010 by the management cannot be said to be illegal or unjustified and hence 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