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LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 7th December 2013

No. 13838—IR(ID)-51/2013-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 8th October 2013 in Industrial Dispute Case No. 43 of 2012 of the Presiding Officer, Industrial Tribunal, Bhubaneswar wherein the industrial dispute between the management of Principal, Ajit Industrial Training Centre, Balipatna Chhak, Balipatna, Dist. Khurda and their Workman Shri Jaydev Routray was filed by the above named workman under Section 2-A (2) of I.D. Act, 1947 for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE INDUSTRIAL TRIBUNAL, BHUBANESWAR
INDUSTRIAL DISPUTE CASE NO. 43 OF 2012
Dated the 8th October 2013

Present :

Shri P. K. Ray, O.S.J.S. (Sr. Branch),
Presiding Officer, Industrial Tribunal,
Bhubaneswar.

Between :

The management of
Principal, Ajit Industrial Training Centre,
Balipatna Chhak, Balipatna,
Dist. Khurda. First Party—Management

And

Their Workman,
Shri Jaydev Routray,
S/o Prakash Chandra Routray,
Village Barilo (Nanda Sahi),
Near Barila U.P. School,
P.O. Balipatna, Dist. Khurda. Second Party—Workman

Appearances :

For the First Party—Management . . . None
The Second Party—Workman himself . . . Shri Jaydev Routray

AWARD

This case has been instituted under Section 2-A (2) of the Industrial Disputes Act for adjudication of the dispute relating to the termination of service of the complainant by the management with effect from the 8th April 2012.

2. The case of the workman is that he was appointed as a Peon under the management with effect from October 2009 and was discharging his duties to the best satisfaction of his authorities. At the time of his joining he was paid Rs. 1,000 per month as wages which is less than the minimum wages declared by the Government of Odisha, Labour & Employment Department by then. Though the workman several times requested for payment of his salary as per the minimum wages declared by the Government of Odisha in the Labour & Employment Department, the management did not pay any heed and ultimately terminated his service by way of refusal of employment with effect from the 8th April 2012. Since the aforesaid termination is in violation of the provisions of Section 25-F of the Industrial Disputes Act, he made a representation to the management for his reinstatement with full back wages with copy to the District Labour Officer, Khurda. As no action was taken thereon, he filed this case for adjudication of the dispute and for his reinstatement with full back wages and continuity of service as well as consequential service benefits.

3. The management did not appear and hence it was set *ex parte*

4. The issues in this case are :

ISSUES

- (i) Whether the refusal of employment made to the workman with effect from the 8th April 2012 is legal and/or justified ?
- (ii) To what relief, if any, he is entitled" ?

5. In support of his case, the workman has examined himself and deposed that without any reason and rhyme the management has terminated his service with effect from the 8th April 2012 and while doing so it has neither complied with the mandatory provisions of the Industrial Disputes Act, 1947 nor adhered to the principles of natural justice. Since his statement remained unchallenged the first party management is directed to reinstate him in his former post forthwith and pay him at least the minimum wages prescribed by the State Government from time to time.

The application is accordingly disposed of

Dictated and corrected by me

P. K. RAY
8-10-2013
Presiding Officer
Industrial Tribunal
Bhubaneswar

P. K. RAY
8-10-2013
Presiding Officer
Industrial Tribunal
Bhubaneswar

By order of the Governor

J. DALANAYAK

Under Secretary to Government