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## LABOUR & E.S.I. DEPARTMENT

### NOTIFICATION

The 7th December 2013

No. 13843—IR-(ID)-53/2013-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 12th February 2013 in Industrial Dispute Case No. 11 of 2012 of the Presiding Officer, Labour Court, Sambalpur wherein the industrial dispute between the Management of Chief District Medical Officer, Sambalpur/The Health Officer, Sambalpur Municipality/ Director of Health Services, Odisha, Secretary, H. & F.W. Department, Government of Odisha and their Workman Shri Kalia Dehury was field by the above named workman under Section 2A(2) of I.D. Act 47 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. 11 OF 2012

Dated the 12th February 2013

#### *Present :*

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

#### *Between :*

1. The Chief District Medical Officer,  
Sambalpur, At/P.O./Dist. Sambalpur. . . First -Parties
2. The Health Officer,  
Sambalpur, Municipality,  
At/P.O./Dist. Sambalpur.
3. The Director of Health Services,  
Odisha, Heads of Department Building,  
Bhubaneswar.

4. The Secretary, Health & Family  
Welfare Department,  
Government of Odisha,  
Secretariate Building,  
Bhubaneswar.

*Vrs.*

Shri Kalia Dehury, . . . Second -Party  
S/o Late Raghu Dehury,  
At/P.O. Badbahal,  
Via Rairakhol,  
Dist. Sambalpur.

*Appearances :*

For the First -Parties	. . .	None
For the Second -Party	. . .	None

AWARD

This award arises out of an application/petition under Section 2(A) (2) of the Industrial Disputes Act, 1947 as amended in the year 2010 made by the second party Shri Kalia Dehury directly for adjudication.

2. The case of the second party as per his statement of claim is that pursuant to an advertisement published in the noticeboard of the then Biologist, Urban Malaria Unit, Sambalpur, he applied for the post of Inferior Field Worker (NMR) and after a process of interview, he was engaged in the said post in the month of February 1991 by a verbal order and continued to work till 17-11-1992, i.e., for 322 days. The office of the Biologist, Sambalpur subsequently merged in the office of Health Officer, Sambalpur Municipality. The second party alleged that his services was illegally terminated from 18-11-1992 and since his protest was not listened by the Department he sent an advocate notice to the Biologist on 4-1-1993 but there was no response from him. On 3-3-1993 the second party submitted an application before the Director of Health Services, Odisha (first party No. 3) but to no effect. The second party then filed a case before the Odisha Administrative Tribunal vide OA No. 68 (5) of 1993/OA No. 1024 of 1993 and the said Tribunal vide Order, Dt. 27-3-2006 permitted him to move Labour Ministry with a direction to condone the delay. On 15-9-2012, the second party filed the petition under Section 2(A) (2) of the I.D. Act, 1947. According to the second party his termination of service by the first party is completely illegal particularly when he has not been paid any retirement compenstion and no permission was taken from the Government for termination of his service. In the statement of claim, the second party has narrated that the first party No. 1(CDMO, Sambalpur) took a false plea that the services of the second party was terminated due to his involvement in a theft case. He prayed for reinstatement in the service with full back wages for the period he remained out of employment till the date of reinstatement.

3. The first party managements though noticed to file written statement, they did not comply the same and as such they were set *ex parte* vide Order, Dt. 6-12-2013.

4. The matter was posted for *ex parte* hearing but on several dates the second party remained absent. Since the workman did not avail the opportunity of adducing evidence, the matter has been taken up for final order.

5. The applicant (second party -workman) alleged that he joined in the service as Inferior Field Worker (N.M.R.) in the office of the Biologist, Sambalpur in the month of February 1991 and continued to work for 322 days till 17-11-1992. He further alleged that from 18-11-1992, he was disallowed to work which according to him is illegal termination from service. The workman has not preferred to adduce oral evidence in support of such fact. On his own saying, his authorities terminated him from service for alleged involvement in a theft case. Though the workman pleaded that such allegation was false, he did not want to depose in Court and say about circumstances under which he was disallowed to work by his employer. The workman along with the application filed several documents including experience certificates issued by Health Officer, Sambalpur Municipality which reveal that he was disallowed to work with effect from the 18th November 1992 since there was a theft in the office while he was watcher in the office.

6. It further reveals from the statement of claim and documents filed by the workman that on 1-3-2007, he submitted a petition before the Deputy Labour Commissioner, Sambalpur stating all the facts and the matter was taken up into conciliation proceeding but the conciliation ultimately failed and the Assistant Labour Officer, Sambalpur submitted a failure report to the Government vide his Letter No. 3763(3), Dt. 30-6-2009 but the matter is still pending at Government level. It appears that since no reference was made by the Government treating the allegation of the applicant as an Industrial Dispute, he has *suo moto* filed the application before this Court availing the right prescribed under Section 2(A) (2) of the Industrial Disputes Act. However, since the applicant (workman) has not adduced any evidence in support of his case, it cannot be said that there is any industrial disputes between him and the first party members. Under such circumstances, a "No Dispute Award" needs be passed. Hence, the following Award.

#### AWARD

The I.D. Case No. 11/2012 instituted under Section 2(A) (2) of the Industrial Disputes Act by Shri Kalia Dehury (second party) is dismissed for default of the applicant in adducing any evidence and it is held that there is no industrial dispute between the parties in this case. He is not entitled to any relief.

Dictated and corrected by me.

SRIKANTA MISHRA  
12-2-2013  
Presiding Officer  
Labour Court, Sambalpur

SRIKANTA MISHRA  
12-2-2013  
Presiding Officer  
Labour Court, Sambalpur

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