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LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 28th January 2013

No. 718—li/1(B)-149/2000-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 13th July 2012 in Industrial Dispute Case No. 117 of 2002 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s Odisha Remote Sensing Application Centre (ORSAC), Bhubaneswar and its Workman Shri S. K. Barik was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 117 OF 2002

Dated the 13th July, 2012

*Present :*

S.A.K.Z. Ahamed,  
Presiding Officer, Labour Court, Bhubaneswar.

*Between :*

The Management of .. First Party—Management  
M/s Odisha Remote Sensing Application  
Centre (ORSAC), Bhubaneswar.

*And*

Its Workman .. Second Party—Workman  
Shri S. K. Barik.

*Appearances :*

None .. For the First Party—Management

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Shri S. K. Barik .. For the Second Party—Workman himself

## AWARD

The Government of Odisha in the Labour & Employment Department in exercise of powers conferred upon them by sub-section (5) of Section 12, read with Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 have referred the matter in dispute to this Court for adjudication vide Order No. 12619—li/1(B)-149/2k-LE., dated the 16th October 2002.

“Whether the termination of services of Shri S. K. Barik, Laboratory Attendant with effect from the 25th February 2000 by the management of O. R. S. A. C., Bhubaneswar is legal and/or justified ? If not, what relief the workman is entitled to ?”

2. The case of the workman in brief, as set out in his statement of claim is that initially he was engaged as an Attendant under the management with effect from the 10th April 1987 on a daily wage basis vide Order No. 2047, dated the 10th April 1987 and subsequently appointed as a Field man on a monthly consolidated salary of Rs. 400 vide Order No. 2307, dated the 4th June 1987. Thereafter the management regularised his service as Laboratory Attendant vide Order in Memo. No. 507, dated the 3rd February 1997. All of a sudden, the management illegally placed the workman under suspension vide Order, dated the 9th September 1999 on false charges. An enquiry was conducted by the management which was a empty formalities. The Enquiry Officer did not afforded reasonable opportunity to him during the course of enquiry. So the enquiry was neither fair nor proper and the enquiry proceeding of the enquiry completed in a gross violation of the principles of natural justice. Thereafter, the management without affording reasonable opportunity of second showcause illegally terminated him from service with effect from the 25th February 2000. The workman has further pleaded that during the pendency of the present case, an appeal was submitted by him before the Commissioner-*cum*-Secretary to Government of Odisha, Science & Technology Department and basing upon the order passed by the Commissioner-*cum*-Secretary vide Order No. 1799, dated the 27th March 2010, he was reinstated in service vide order in Memo. No. 1834, dated the 2nd July 2010 and accordingly he joined under the management with effect from the 15th July 2010. In these averments, the workman has prayed for payment of full back wages from the 25th February 2000 till the date of his reinstatement, i. e. on the 15th July 2010 with all consequential service benefits.

3. In spite of valid notices, the management neither filed any written statement nor contested the present proceeding. Hence the management was set *ex parte* vide Order, dated the 3rd May 2012.

4. In the *ex parte* hearing, in order to substantiate his plea, the workman has examined himself as W. W. 1 and proved the documents under the cover of Exts. 1 to 7.

5. In view of the unchallenged testimony of the workman and considering the documents filed by him, it is felt that he has a genuine case and he is entitled to the reliefs claim.

6. Hence Ordered :

That the termination of services of Shri S. K. Barik, Laboratory Attendant with effect from the 25th February 2000 by the management of O. R. S. A. C., Bhubaneswar is neither legal nor justified. The workman Shri Barik is entitled to get his back wages from the 25th February 2000 till the 14th July 2010 with continuity of service and all consequential Service Benefits. The management is directed to implement this Award within a period of two months from the date of its publication failing, the amount shall carry interest at the rate of 10% per annum till its realisation.

The reference is answered accordingly *ex parte*.

Dictated and corrected by me.

S. A. K.Z. AHAMED  
13-07-2012  
Presiding Officer  
Labour Court, Bhubaneswar

S. A. K.Z. AHAMED  
13-07-2012  
Presiding Officer  
Labour Court, Bhubaneswar

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