

# The Odisha Gazette

## EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 405 CUTTACK, TUESDAY, MARCH 12, 2013/FALGUNA 21, 1934

### LABOUR & E. S. I. DEPARTMENT NOTIFICATION

The 26th February 2013

No. 1917—li/1(BH-I)-15/2004-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 28th August 2012 in I. D. Case No. 75 of 2005 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s Hena Poly Products (P) Ltd., Balasore and its workmen Shri Ranjan Kumar Nayak and 96 others was referred to for adjudication is hereby published as in the Schedule below :

#### SCHEDULE IN THE LABOUR COURT, BHUBANESWAR INDUSTRIAL DISPUTE CASE No. 75 OF 2005 Dated the 28th August 2012

*Present :*

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

*Between :*

The Management of M/s Hena Poly .. First Party—Management  
Products (P) Ltd., Balasore.

And

Their Workmen Shri Ranjan Kumar .. Second Party—Workman  
Nayak and 96 others.

*Appearances :*

None .. For the First Party—Management  
Shri S. Kar .. For the Second Party—Workman

#### 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 following dispute to this Court for adjudication vide Order No. 9205—li/1(BH-I)-15/2004-LE., dated the 29th October 2005.

"Whether the termination of services of Shri Ranjan Kumar Nayak and 96 other workmen by the employer, M/s Hena Poly Products (P) Ltd., Balasore is legal and/or justified ? If not, to what relief Shri Nayak and 96 others are entitled to ?".

2. The case of the workmen in brief, as set out in their statement of claim is that they all were working under the management. According to them, all the employees of the management formed an Union named Hena Poly Workers Union and demanded for payment of bonus, but the management became annoyed and without any notice locked up the factory gate and subsequently retrenched the services of the present workmen. According to them, at the time of retrenchment, no one month prior notice or notice pay in lieu thereof and retrenchment compensation as required under Section 25-F of the Industrial Disputes Act, 1947 has been paid to them. The workmen have also stated that the employees junior to them are still continuing in service of the management. So the management has also violated the provisions of Section 25-G of the Industrial Disputes Act, 1947. On these averments, the workmen have prayed for their reinstatement in service with full back wages.

3. On the other hand, in spite of valid notices, the management neither appeared and filed written statement nor contested the present proceeding and ultimately the management was set *ex parte* vide order dated the 17th February 2009.

4. In the *ex parte* hearing, in order to substantiate their pleas, one of the workman namely Shri Susanta Kar has examined himself as W. W. 1 and proved the copy of list of workmen, copy of engagement certificates, copy of daily Loom Production report and the copy of the electricity bill under the cover of Exts. 1 to 4, respectively.

5. In view of the unchallenged testimony of the W. W. 1 and considering the documents filed by him, it is felt that they have genuine case and they are entitled to the reliefs claim.

6. Hence Ordered :

That the termination of services of Shri Ranjan Kumar Nayak and 96 other workmen by the Employer, M/s Hena Poly Products Pvt. Ltd., Balasore is neither legal nor justified. The workmen, Shri Nayak and others are entitled to be reinstated in service with full back wages. The management is directed to implement this Award within a period of three 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  
28-8-2012  
Presiding Officer  
Labour Court, Bhubaneswar

S. A. K. Z. AHAMED  
28-8-2012  
Presiding Officer  
Labour Court, Bhubaneswar

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

