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

The 18th March 2013

No. 2822—li/1(B)-85/2005(pt.)-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 18th June 2012 in I. D. Case No. 54 of 2005 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s Raghunath Aluminium Industries, New Industrial Estate, Jagatpur, Cuttack and its Workman Shri Dharani Nayak, Melting Helper was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE
IN THE LABOUR COURT, BHUBANESWAR
INDUSTRIAL DISPUTE CASE NO. 54 OF 2005
Dated the 18th June 2012

Present :

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

Between :

The Management of M/s Raghunath Aluminium Industries, New Industrial Estate, Jagatpur, Cuttack. First Party—Management

And

Their Workman Shri Dharani Nayak, Melting Helper. Second Party—Workman

Appearances :

None For the First Party—Management
Shri S. N. Biswal, General Secretary For the Second Party—Workman
Shri T. Lenka, Vice-President

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. 8755—li/1(B)-85/2005-LE., dated the 20th October 2005.

"Whether the termination of services of Shri Dharani Nayak, Melting Helper with effect from the 3rd November 2003 by the Management of M/s Raghunath Aluminium Industries, New Industrial Estate, Jagatpur, Cuttack is legal and/or justified ? If not, to what relief Shri Nayak is entitled to ?".

2. The case of the workman in brief, as set out in his statement of claim is that he joined as Melting Helper on a monthly salary of Rs. 1,600 under the management in the month of August, 2001 and was discharging his duties sincerely and efficiently. Subsequently, in the year 2002 his monthly salary was increased from Rs. 1,600 to Rs. 1,800. On the 4th July 2003, while he was working, he met with an accident and remained under treatment of E. S. I. Hospital and as per the advise of the E. S. I. Doctor, he remained on leave till the 6th September 2003. Thereafter, the workman joined in his duty on the 7th September 2003 and worked up to the 1st November 2003 and the 2nd November 2003 was the Sunday. On the 3rd November 2003, while he was performing his duty, the Proprietor of the management suddenly terminated his service by way of refusal of employment. When the workman requested the management to allow him to continue in his employment, the management turned a deaf ear. According to the workman, no charge was framed against him for any misconduct and no enquiry was conducted against him. The management has also violated the provisions of Section 25-F of the Industrial Disputes Act, 1947 by not giving one month prior notice or notice pay in lieu thereof and retrenchment compensation while terminating his service. In these averments, the workman has prayed for his reinstatement in service with full back wages and other service benefits.

3. In spite of valid notices, the management neither appeared and filed written statement nor contested the present proceeding. Hence, the management was set *ex parte* vide order, dated the 4th April 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 8.

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 Dharani Nayak, Melting Helper with effect from the 3rd November 2003 by the management of M/s Raghunath Aluminium Industries, New Industrial Estate, Jagatpur, Cuttack is neither legal nor justified. The workman Shri Nayak is entitled to be reinstated in service with full back wages. The management is directed to implement this Award within a

period of one month 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
18-6-2012
Presiding Officer
Labour Court, Bhubaneswar

S. A. K. Z. AHAMED
18-6-2012
Presiding Officer
Labour Court, Bhubaneswar

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