

# The Odisha Gazette

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

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**No. 564 CUTTACK, SATURDAY, MARCH 30, 2013/CHAITRA 9, 1935**

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

The 6th March 2013

No. 2311—li/1(B)-126/2003-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 20th December 2012 in I. D. Case No. 17/2004 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of Private Bus Owners Association, Bhubaneswar and their Workman Shri Bighnesh Mohapatra was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 17 OF 2004

Dated the 20th December 2012

*Present :*

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

*Between :*

The Management of Private Bus .. First Party—Management  
Owners Association, Bhubaneswar.

And

Their Workman .. Second Party—Workman  
Shri Bighnesh Mohapatra

*Appearances :*

None .. For the First Party—Management  
Shri B. Mohapatra .. 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 following dispute to this Court for adjudication vide its Order No. 1242—li/1(B)-126/2003-LE., dated the 4th February 2004.

"Whether the termination of services of Shri Bighnesh Mohapatra, ex Supervisor by the Secretary of Private Bus Owners Association, Baramunda, Bhubaneswar with effect from the 1st February 1999 is legal and/or justified ? If not, to what relief Shri Mohapatra is entitled to ?".

2. The case of the workman in brief, as set out in his statement of claim is that he was initially appointed as a Night Watchman under the management with effect from the 14th February 1979. Thereafter he was promoted to the post of Supervisor during the year 1980 and worked continuously up to December 1995. In December 1995, the workman met with an accident for which his right leg was fractured and hospitalised till February 1996. Thereafter he joined in his duty in March 1996 and continued to work till September 1998, but again he was hospitalised and undergone operation of his right leg with due intimation to the management. After recovery, when he went to join in his duty on the 1st February 1999, the management did not allow him to join in his duty and terminated his service by way of refusal of employment without following the provisions of Industrial Disputes Act, 1947. According to him, the workman was continuously working for 19 years under the management but without following the principles of natural justice, he was illegally terminated from service. On these averments, the workman has prayed for his reinstatement in service with full back wages and continuity of service along with consequential service benefits.

3. On the other hand, inspite of valid notices, the management neither appeared and filed written statement nor contested the present proceeding and ultimately set *ex parte* vide order, dated the 3rd October 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 copy of identity card, copy of vehicle time log, copy of letter dated the 9th January 1986 of the management, copy of certificate dated the 8th August 1990 issued by the management, copy of duty chart of the staff, copy of representation of the workman dated the 8th April 2001, copy of letter of National Human Rights Commission and the copy of letter dated the 26th January 2004 of the Hon'ble Supreme Court of India under the cover of Exts. 1 to 8 respectively.

5. So, considering the documents i. e. Exts. 1 to 8 and the prayer of the workman, it is held that the management while terminating the services of the workman by way of refusal of employment has not complied with the provisions of Section 25-F of the Industrial Disputes Act, 1947 which is a mandatory and pre-condition one. Therefore, it is held that the termination of services of the workman by the management with effect from the 1st February 1999 is neither legal nor justified. Hence the workman is entitled to be reinstated in service with full back wages.

6. Hence, Ordered :

That the termination of services of Shri Bighnesh Mohapatra, ex Supervisor by the Secretary of Private Bus Owners Association, Baramunda, Bhubaneswar with effect from the 1st February 1999 is illegal and unjustified and the workman is entitled for reinstatement in service with full back wages.

The reference is answered accordingly *ex parte*.

Dictated and corrected by me.

S. A. K. Z. AHAMED  
20-12-2012  
Presiding Officer  
Labour Court, Bhubaneswar

S. A. K. Z. AHAMED  
20-12-2012  
Presiding Officer  
Labour Court, Bhubaneswar

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