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## LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT

### NOTIFICATION

The 21st March 2013

No. 2940—IR-(ID)-37/2012-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 8th February 2013 in I. D. Case No. 3 of 2012 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the Management of M/s Ashok Multi Yarn Mills Ltd., Kirei and their workman Shri Pradeep Deo was referred to 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. 3 OF 2012

Dated the 8th February 2013

*Present :*

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

*Between :*

The Management of  
M/s Ashok Multi Yarn Mills Ltd.,  
Kirei, Dist. Sundargarh.

.. First Party—Management

And

Their workman,  
Shri Pradeep Deo,  
C/o Shri Gopal Dey,  
Station Road, Natun Bazar,  
P.O. Panihati, Dist. Sundargarh.

.. Second Party—Workman

**Appearances :**

|      |                                   |
|------|-----------------------------------|
| None | .. For the First Party—Management |
| None | .. For the Second Party—Workman   |

**AWARD**

This award arises out of a reference made by the Government of Odisha, Labour & E.S.I. Department under the powers conferred by sub-section (5) of Section 12, read with Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (for short “the Act”) vide order under Memo. No. 3570 (5), dated the 7th May 2012. The dispute involved under the schedule of reference is as follows :—

“Whether the action of the management of M/s Ashoka Synthetics Ltd., renamed as M/s Ashok Multi Yarn Mills Ltd., At/P.O. Kirei, Dist. Sundargarh in terminating the services of Shri Pradeep Deo on 31-7-1997 is legal and/or justified ? If not, to what relief Shri Deo is entitled ?”

2. The second party workman alleging to be a Trainer/Jobber under the first party with effect from the 15-12-1996 till 31-7-1997 and being verbally terminated from service on 31-7-1997 made a grievance before the Labour Machinery at Rourkela and since the attempt for conciliation failed, the matter was referred to the Government for adjudication as to whether the action of the first party management in terminating his service was legal or justified. It was also to be adjudicated whether the workman is entitled to any relief.

3. The copy of the Government Notification was forwarded to the workman with a direction to file his statement of claim along with the relevant documents, list of reliance and witnesses before this Court within 15 days of receipt of the order of reference but he did not *suo motu* appear in this Court nor filed any statement of claim and document. A registered post notice was also sent to the workman from this Court which returned undelivered. The workman despite several adjournments did not appear nor filed statement of claim or documents. Hence, the matter was taken up for order/award.

4. It reveals from the failure report submitted by the District Labour Authorities, Sundargarh that the workman being a resident of West Bengal, initially raised the dispute before the Conciliation Officer, Government of West Bengal and since no settlement was arrived, he filed a case before the Second Labour Court, West Bengal for his reinstatement. The Labour Court having dismissed his case vide Award, dated the 24th August 2007 he moved the Labour Department Authorities at Rourkela. Due to non-appearance of the workman and non-filing of statement of claim and relevant documents by the workman and particularly when his claim was rejected by the Second Labour Court at West Bengal, I feel he is no more interested to prosecute the dispute and therefore, he is not entitled to any relief in this case.

5. In view of the discussions made above I am inclined to hold that the question regarding legality or justness of the termination of the workman by the first party management cannot be decided for want of evidence and the workman is not entitled to any relief. The reference is accordingly answered against the second party workman.

Dictated and corrected by me.

SRIKANTA MISHRA  
8-2-2013  
Presiding Officer  
Labour Court  
Sambalpur

SRIKANTA MISHRA  
8-2-2013  
Presiding Officer  
Labour Court  
Sambalpur

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