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LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 26th April 2013

No. 4010—li/1(BH)-14/2002-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 6th June 2012 in I. D. Case No. 76/2002 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s. Hena Poly Products (P) Ltd., Januganj, Balasore and their workman Shri Bijaya Bharati was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 76 OF 2002

Dated the 6th June 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., Januganj, Balasore.

And

Their Workman .. Second Party—Workman
Shri Bijaya Bharati

Appearances :

None .. For First Party—Management
Shri B. Bharati .. 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 Order No. 7667—li/1(BH)-14/2002-LE., dated the 22nd June 2002 :—

"Whether the action of the Management of M/s. Hena Poly Products (P) Ltd., Januganj, Balasore in refusing employment to Shri Bijaya Bharati, Workman with effect from the 14th June 2000 is legal and/or justified ? If not, what relief is Shri Bharati entitled to ?"

2. The case of the workman in brief, as set out in his statement of claim is that he joined as Winding Man under the management in the year 1995. Subsequently he was made a regular and permanent employee with effect from the 1st January 1997. According to the workman, there was strike in the factory premises of the management but he has not participated in the said strike. He was residing inside the factory campus during the period of strike. In the meantime the workman went to his native village to see his ailing old parents. When he came back to resume his duty, he came to know that the Managing Director of the management has illegally ordered not to allow the workman to work and also enter inside the factory premises. Despite repeated requests, when the management did not allow the workman to enter inside the factory premises and also did not give any work, he was constrained to raise an industrial dispute wherein he has prayed for his reinstatement in service with full back wages and other consequential service benefits.

3. In spite of repeated 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 filed certain documents but has not exhibited or proved the same.

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

6. Hence ordered :

That the action of the Management of M/s. Hena Poly Products (P) Ltd., Januganj, Balasore in refusing employment to Shri Bijaya Bharati, Workman with effect from the 14th June 2000 is neither legal nor justified. The workman Shri Bharati 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
6-6-2012
Presiding Officer
Labour Court, Bhubaneswar

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

By order of the Governor

J. DALANAYAK

Under-Secretary to Government

