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LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 9th May 2013

No. 4559—li/1(B)-143/2001-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 13th June 2012 in Industrial Dispute Case No. 89 of 2002 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of M/s Kalinga Steel, Jagatpur, Cuttack and its Workman Shri Duryodhan Mohanty was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 89 OF 2002

Dated the 13th June 2012

Present :

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

Between :

The Management of
M/s. Kalinga Steel,
Jagatpur,
Cuttack. . . First Party—Management

And

Its Workman
Shri Duryodhan Mohanty . . Second Party—Workman

Appearances :

For the First Party—Management . . None

For the Second Party—Workman . . Shri S. N. Biswal, General Secretary

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. 9156—li/1(B)-143/2001-LE., dated the 2nd August 2002 :—

“Whether the termination of services of Shri Duryodhan Mohanty, Section Man by the management of M/s. Kalinga Steel, Jagatpur, Cuttack with effect from the 12th July 1999 is legal and/or justified ? If not, to what relief Shri Mohanty is entitled ?”

2. The case of the workman, in brief, as set out in his statement of claim is that he initially joined as Section Man in the year 1993 on a monthly Salary of Rs. 3,350. According to him, while he was performing his duty on 2-7-1999, he met with an accident for which his middle finger of his right hand was injured. Thereafter he had undergone treatment in the E.S.I. Hospital and as per the advise of the E.S.I. Doctor, he remained on leave up to 11-7-1999 and was declared fit with effect from the 12th July 1999. After recovery from his illness and when he was declared fit to resume his duty, the workman wanted to join in his duty on 12-7-1999, but he was not allowed to enter into the factory premises and terminated his service forthwith by way of refusal of employment. According to the workman, at the time of termination of his service, no one month prior notice or notice pay in lieu therefore and retrenchment compensation was paid to him as per the provisions of Section 25-F of the Industrial Disputes Act, 1947. Moreover, no charge was framed against him and no enquiry was also conducted against him. On these backgrounds, 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 29-8-2011.

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 6.

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 is entitled to the reliefs claim.

6. Hence Ordered :

That the termination of services of Shri Duryodhan Mohanty, Section Man by the management of M/s. Kalinga Steel, Jagatpur, Cuttack with effect from the 12th July 1999 is neither legal nor justified. The workman Shri Mohanty 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
13-6-2012
Presiding Officer
Labour Court, Bhubaneswar

S. A. K.Z. AHAMED
13-6-2012
Presiding Officer
Labour Court, Bhubaneswar

By order of the Governor
J. DALANAYAK

Under-Secretary to Government