

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 984 CUTTACK, WEDNESDAY, MAY 22, 2013/JAISTHA 1, 1935

LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT

NOTIFICATION

The 9th May 2013

No. 4580—li-1-(BH-I)-7/2006 (Pt.)-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 17th November 2012 in I. D. Case No. 87 of 2006 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of Managing Director, M/s Salchua LAMPCS Ltd. and its workman Shri Sudarsan Bindhani was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 87 OF 2006

Dated the 17th November 2012

Present :

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

Between :

The Managing Director,
M/s Salchua LAMPCS Ltd. .. First Party—Management

And

Its workman
Shri Sudarsan Bindhani .. Second Party—Workman

Appearances :

Shri D. B. Parida .. For the First Party—Management

Shri S. Bindhani .. 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. 11134— li-1-(BH-I)-7/2006-LE., dated the 16th December 2006 :—

“Whether termination of services of Shri Sudarsan Bindhani, ex-Peon, with effect from the 17th October 2003 by the management of M/s Salchua LAMPCS Ltd. is legal and justified ? If not, to what relief is Shri Bindhani is entitled ?”

2. The workman in his statement of claim has stated that he was working as Peon-cum-Watchman under the management from 1974 till 16-10-2003 and completed more than 240 days continuous employment in twelve calendar months preceding to the date of termination i.e. on 17-10-2003. While terminating the services of the workman, the management has not followed the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947. At the time of termination, the workman was getting Rs. 1,620 per month as his wages. According to the workman, all of a sudden the management has issued suspension order to him vide Memo No. 53, dated 20-4-2000 but no subsistence allowance was paid to him. According to the workman, at the time of enquiry, the Enquiry Officer has not conducted the enquiry in accordance with the principles of natural justice. The Enquiry Officer has not examined any witness to prove the charges. The Enquiry Officer has also not given any chance to cross-examine the management witnesses. In the above circumstances, the workman has prayed for his reinstatement in service with full back wages and all other service benefits.

3. On the other hand, though the management appeared and contested the present proceeding, but has not filed its written statement.

4. 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 10. On the other hand, though the management was present, neither cross-examined the W.W. 1 nor adduced any evidence in support of its case.

5. The workman (W.W. 1) in his affidavit evidence has fully corroborated the facts stated in his statement of claim. Further the W.W. 1 in the last paragraph of his affidavit evidence has clearly deposed that he has settled the dispute with the management. So now he has no claim as per the reference made by the Government to this Court. Therefore, he prays that the reference be answered accordingly and also he does not want to engage under the management and no amount is due to get from the management.

6. So in view of the above admission of the workman in his affidavit evidence, this Court is unable to answer the reference in favour of the workman. Therefore, the termination of services of the workman with effect from the 17th October 2003 by the management is legal and justified. The workman is not entitled to get any relief.

7. Hence Ordered :

That the termination of services of Shri Sudarsan Bindhani, ex-Peon with effect from the 17th October 2003 by the management of M/s Salchua LAMPCS Ltd. is legal and justified. The workman Shri Bindhani is not entitled to get any relief as prayed for.

The reference is answered accordingly.

Dictated and corrected by me.

S. A. K. Z. AHAMED

17-11-2012

Presiding Officer

Labour Court

Bhubaneswar

S. A. K. Z. AHAMED

17-11-2012

Presiding Officer

Labour Court

Bhubaneswar

By order of the Governor

J. DALANAYAK

Under-Secretary to Government