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**LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT**

**NOTIFICATION**

The 22nd July 2014

No. 5848—IR(ID)-110/2014-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 9th June 2014 in Industrial Dispute Case No. 32 of 2013 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the Management of (1) The Manager, Pantha Nivas, Rourkela, (2) The Managing Director, Pantha Nivas, Lewis Road, Bhubaneswar, (3) The General Manager, Pantha Nivas, Lewis Road, Bhubaneswar and (4) Proprietor, M/s Mind Mart, Saheed Nagar, Bhubaneswar and their workman Shri Ranjit Nayak was filed by the above named workman under Section 2-A (2) of I.D. Act, 1947 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. 32 OF 2013

Dated the 9th June 2014

*Present :*

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

*Between :*

Shri Ranjit Nayak, represented  
through the General Secretary,  
Industrial Labour Union,  
Qrs. No. G/294, Sector-19, Rourkela,  
Steel Township, Rourkela,  
Dist. Sundargarh (Odisha).

.. Second Party—Workman

And

1. The Manager,  
Pantha Nivas, Sector-5,  
Rourkela-769 002.

.. Opposite Party—Managements

2. The Managing Director,  
Pantha Nivas,  
Corporate Office of Pantha Nivas,  
(Old Block), Lewis Road,  
Bhubaneswar-751 014,  
Dist. Khurda.
3. The General Manager,  
Pantha Nivas,  
Corporate Office of Pantha Nivas,  
(Old Block), Lewis Road,  
Bhubaneswar-751 014,  
Dist. Khurda.
4. The Proprietor,  
M/s Mind Mart,  
C/43, Market Building, 2nd Floor,  
Saheed Nagar, Bhubaneswar-751 007,  
Dist. Khurda.

*Appearances :*

None	.. For the Second Party—Workman
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Shri A. K. Mohapatra, Manager, Pantha Nivas, Rourkela.	.. For the Opposite Party—Managements Nos. 1 to 3.

AWARD

This Award arises out of an application under Section 2-A (2) of the Industrial Disputes Act, 1947, filed by one Ranjit Nayak, hereinafter called as Workman against M/s Management of Pantha Nivas, Sector-5, Rourkela and 3 others hereinafter called as Opposite Party Managements.

2. The applicant in his statement of claim narrated that he was working as a Sweeper under the direct control and supervision of the Manager, Pantha Nivas, Rourkela (First Party No. 1) since the 1st January 2004 but was not paid monthly wages nor was granted other service benefits at par with other employees in the permanent roll of Pantha Nivas. No Employment Card was issued to him and no Muster Roll and Register of Wages was maintained in his favour. The applicant workman alleged that he was sick and in spite of production of medical certificate, the Opposite Party No. 1 with some *mala fide* intention did not allow him to work. The applicant approached the Assistant Labour Officer, Rourkela for settlement of dispute but the Opposite Party No. 1 submitted a written statement denying his claim and thereafter he filed the application in this Court for adjudication of the dispute.

3. The opposite party management filed written statement wherein they stated that the applicant was a contract labourer and he was deployed by the management after an agreement signed with the Service Provider Agency namely, M/s Mind Mart. According to the management since the applicant was not directly recruited/employed by them, they are not liable to reinstate him in service and they prayed for dismissal of the case.

4. On the basis of pleadings of the parties, the following issues are framed :—`

#### *ISSUES*

- (i) "Is the applicant Shri Ranjit Nayak, a workman under the Opposite Party Managements ?
- (ii) Was the applicant illegally refused employment by the Opposite Party Managements with effect from the 23rd February 2011 ?
- (iii) Is the termination of service/refusal of employment of the applicant legal and justified ?
- (iv) To what relief, if any, the applicant is entitled ?"

#### *FINDINGS*

5. *Issue Nos. (i) to (iii)*—The opposite parties specifically assert that the applicant was not directly employed by them but he was deployed by a Service Provider and they deny the status of applicant as a workman. The adjudication of the dispute necessitates recording of evidence but the applicant did not adduce any evidence. He remained absent on several dates when the case was posted for hearing. In absence of any evidence from the side of the applicant, it cannot be said that he was a workman under the Opposite Party Managements nor it can be said that he was illegally terminated from service by way of refusal of employment. The issues are accordingly answered against the applicant.

6. *Issue No. (iv)*—Since the applicant has failed to prove that he was illegally terminated from service by the opposite parties, he is not entitled to any relief.

In view of the determination of the issues in the manner aforesaid, the application needs be rejected.

Hence, the award :

#### *AWARD*

The application filed under Section 2-A (2) of the I.D. Act by the applicant is dismissed on contest without any cost. The applicant has failed to establish that he was illegally terminated from service by the opposite parties and he is not entitled to any relief.

Dictated and corrected by me.

SRIKANTA MISHRA  
09-06-2014  
Presiding Officer  
Labour Court  
Sambalpur

SRIKANTA MISHRA  
09-06-2014  
Presiding Officer  
Labour Court  
Sambalpur

By order of the Governor  
M. NAYAK  
Under-Secretary to Government