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LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 27th August 2014

No. 6753—li-1(SS)-97/2000(Pt.)-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 8th August 2014 in Industrial Dispute Case No. 01 of 2003 of the Presiding Officer, Industrial Tribunal, Rourkela to whom the industrial dispute between the Management of Steel Authority of India Ltd., Rourkela Steel Plant, At/P.O. Rourkela, Dist. Sundargarh and its Workman Shri Suwendu Kumar Das, represented by Vice-President, Rourkela Mazdoor Sabha, Bisra Road, Rourkela - 11 was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, ROURKELA

INDUSTRIAL DISPUTE CASE NO. 01 OF 2003

Dated the 8th August 2014

Present :

Smt. V. Jayashree, O.S.J.S. (Sr. Branch)
Presiding Officer, Industrial Tribunal, Rourkela.

Between :

The General Manager (P. & A.),
SAIL, Rourkela Steel Plant,
At/P.O. Rourkela, Sundargarh. First Party—Management

And

Shri Suwendu Kumar Das, Second Party—Workman
Represented by Vice-President, Rourkela
Mazdoor Sabha, Bisra Road, Rourkela - 11.

Appearances :

For the First Party—Management Shri L. K. Nayak, Law Officer

For the Second Party—Workman Shri B. B. Sahu, 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 (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 have referred the following disputes for adjudication vide Order No. 8428—li-1(SS)-97/2000-LE., dated the 10th July 2002 :—

“Whether the action of the Management of Rourkela Steel Plant, Rourkela in imposing punishment on Shri Suvendu Kumar Das, PL No. 88407, Technician of Transport Department (Presently S. M. S. - I) (Mech.) by way of reducing basic pay by two stages in his existing scale of pay with effect from the 2nd December 1997 and treating of period of suspension as such is legal and/or justified ? If not, to what relief the workman Shri Suvendu Ku. Das is entitled ?”.

2. Parties appeared through their respective representatives. Workman filed their written statement. However both parties appeared and filed a joint petition of compromise wherein it has been stated that the punishment order, dated the 2nd December 1997 in respect of the workman reducing his basic pay from Rs. 3,171 to Rs. 3,041 per month shall stand revoked from the date of the order of Hon'ble Tribunal in this case, the workman will not be given any back wages or any benefits from the date of punishment order, i. e. dated the 2nd December 1997 till its revocation excepting notional restoration of pay and the workman shall not be entitled to any consequential financial benefit during the punishment order. So they do not want to proceed with the case. Terms of settlement and conditions are read over and explained to the parties who agreed to the same and had put their signatures in my presence. Since parties agreed to the settlement entered into the reference case is closed. Terms and conditions of compromise mentioned therein would form part of the Award.

Dictated and corrected by me.

V. JAYASHREE

8-8-2014

Presiding Officer

Industrial Tribunal, Rourkela

V. JAYASHREE

8-8-2014

Presiding Officer

Industrial Tribunal, Rourkela

By order of the Governor

M. NAYAK

Under-Secretary to Government

FORM - K

MEMORANDUM OF SETTLEMENT, DATED THE 28TH JULY 2014 SIGNED BETWEEN THE MANAGEMENT OF SAIL, ROURKELA STEEL PLANT, ROURKELA AND RMS UNION REPRESENTING SHRI S. K. DAS, PL. No. 884070, DESIGNATION ASST. ROLLER, DEPTT. HSM (OPN)

Representing Management

- (1) Dr. P. K. Sahu, AGM (PL - IR & R, C)
- (2) Shri L. K. Nayak, Manager (Law)

Representing the Workman

- (1) Shri B. B. Sahu, General Secretary, RMS
- (2) Shri S. K. Das,
Pl. No. 884070, Design.— Asst. Roller,
Department HSM (O).

SHORT RECITAL OF THE CASE

Whereas, Shri S. K. Das, Pl. No. 884070, Asst. Roller, HSM (Opn.) was awarded with a punishment of reduction of basic pay by two incremental stages, i. e. from Rs. 3,171 to Rs. 3,041 per month in the scale of Rs. 2245-58-2651-65-3106 (S-4) vide Order No. TPT-PF-2492-1997 (PM No. 970231), dated the 2nd December 1997 as a disciplinary measure arising out of charge sheet No. TPT-3157-60, dated the 1st October 1996 for committing offence/misconduct ; and

Whereas, the Union (Rourkela Mazdoor Sabha, Rourkela) representing Shri S. K. Das raised an industrial dispute challenging the punishment Order, dated the 2nd December 1997 and the Government of Odisha, referred the said dispute to Industrial Tribunal, Rourkela vide order of reference No. 12485—li/1(SS)-47/2000-LE., dated the 10th October 2002 and the same has been registered as ID Case No. 01/2003 ; and

Whereas, during pendency of the said ID Case No. 01/2003, the RMS Union representing the workman requested the management for an amicable settlement of the dispute.

Now, therefore, after mutual discussion the management and the RMS Union representing the workman have agreed to settle the dispute amicably on the following terms and conditions and sign this settlement on the 28th day of July 2014.

TERMS OF SETTLEMENT

It is agreed by and between the parties that :—

1. The punishment order, dated the 2nd December 1997 in respect of Shri S. K. Das reducing his basic pay from Rs. 3,171 to 3,041 per month shall stand revoked from the date of the order of the Hon'ble Industrial Tribunal, Rourkela in ID Case No.01/2003.
2. The workman (Shri S. K. Das) will not be given any back wages or any benefit, financial or otherwise from the date of punishment order, i. e. the 2nd December 1997 till its revocation, excepting notional restoration of pay.

3. Shri S. K. Das shall not be entitled to any consequential financial benefit during the punishment period.
4. This settlement fully and finally settles all the issues involved in ID Case No. 01/2003 pending before the Presiding Officer, Industrial Tribunal, Rourkela and the workman agrees not to raise any other or further dispute in future, financial or otherwise or make any claim incidental to or connected with the dispute.
5. The parties will file a joint petition along with the Memorandum of Settlement and pray before the Hon'ble Industrial Tribunal for passing award/order in terms of this settlement.
6. The order of the Hon'ble Tribunal passed in ID Case No. 01/2003 in terms of the settlement will be implemented within 30 (thirty) days of the date of obtaining of the copy of the order.

SIGNATURE OF THE PARTIES

Representing Management

- (1) Dr. P. K. Sahu,
AGM (PL-IR&R, C), SAIL, RSP
- (2) Shri L. K. Nayak, Manager (Law)
SAIL, RSP.

Representing Workmen

- (1) Shri B. B. Sahu, General Secretary, RMS
- (2) Shri S. K. Das (Workman)

Witnesses

- (1) M. K. Patro, PI. No. 970115,
Design.—Labour Inspector, SAIL, RSP
- (2) J. K. Pradhan, PI. No. 930086.
Design—Legal Asst., Law Department, SAIL, RSP.