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LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 28th August 2014

No. 6841—li/1-(SS)10/2005-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. 08/2005 of the Presiding Officer, Industrial Tribunal, Rourkela to whom the industrial dispute between the Management of SAIL, Rourkela Steel Plant, At/Po Rourkela, Dist. Sundargarh and Shri Amitav Thakur represented through Rourkela Shramik Sangha, Rourkela 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. 8/2005

Dated the 8th August, 2014

Present :

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

Between :

Executive Director (P&A) . . . First Party—Management
SAIL, Rourkela Steel Plant,
At/P.O. Rourkela, Sundargarh.

And

Shri Amitav Thakur represented . . . Second Party—Workman
by Rourkela Shramik Sangha,
Rourkela.

Appearances :

For the First Party—Management	..	Shri L. K. Nayak, Law Officer
For the Second Party—Workman	..	In person.

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. 9030-li/1(SS) 10/05/ L. E. dated the 27th October 2005:

"Whether the action of the management of Rourkela Steel Plant, Rourkela in reducing the basic wages of Shri Amitav Thakur, Technician-*cum*-Operator, PL No.960402, token No. 1908 Energy Management Depot, R. S. P. from Rs. 2290 to Rs. 2240 as a punishment is legal and/ or justified? If not, to what relief Shri Thakur is entitled ?

2. Parties appeared through their respective representatives. Workmen 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 17th May 1999 in respect of the workman reducing his Basic pay from Rs. 2290 to Rs. 2240 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 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

MEMORANDUM OF SETTLEMENT DATED THE 8TH AUGUST 2014 SIGNED BETWEEN THE
MANAGEMENT OF SAIL, ROURKELA STEEL PLANT, ROURKELA AND SHRI AMITAVA
THAKUR, PL. No.960402, DESIGNATION-GRS, DEPARTMENT PROTOCOL/HOSPITALITY
SERVICES

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

Representing Workman
1. Shri Amitava Thakur,
Pl. No.960402 Design.GRS,
Deptt. Protocol/Hospitality
Services.

SHORT RECITAL OF THE CASE

Whereas, Shri Amitava Thakur, Pl. No. 960402, Design. GRS, Department Protocol/Hospitality Services was awarded with a punishment of reduction of Basic Pay by one incremental stage, i.e. from Rs.2290 to Rs.2240 per month in the Scale of Pay of Rs.2190-50-2540-55-2925 (S-3) vide Order No. EMD/559/2179 (PM No.990100), dated the 17th May 1999 as a disciplinary measure arising out of chargsheet No. EMD/2558, dated the 25th August 1997 for committing offence/misconduct; and

Whereas, Shri Amitava Thakur raised an Industrial Dispute challenging the punishment Order dated the 17th May 1999 and the Government of Odisha, referred the said dispute to Industrial Tribunal, Rourkela vide order of reference No. 9030-ii/1(SS)10/05//LE, dated the 27th October 2005 and the same has been registered as I. D. Case No. 08/2005; and

Whereas, during pendency of the said ID Case No. 08/2005, the workman requested the management for an amicable settlement of the dispute;

Now, therefore, after mutual discussion the management and Shri Amitava Thakur have agreed to settle the dispute amicably on the following terms and conditions and sign this settlement on the 8th day of August 2014.

TERMS OF SETTLEMENT

It is agreed by and between the parties that :

1. The punishment Order dated the 17th May 1999 in respect of Shri Amitav Thakur reducing his Basic Pay from Rs. 2290 to Rs. 2240 per month shall stand revoked from the date of the Order of the Hon'ble Industrial Tribunal, Rourkela in I. D. Case No. 08/2005.
2. The workman (Shri Amitava Thakur) will not be given any back wages or any benefit, financial or otherwise, from the date of punishment order i.e. dated the 17th May 1999 till its revocation, excepting notional restoration of pay.
3. Shri Amitav Thakur 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 I. D. Case No. 08/2005 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 I. D. Case No. 08/2005 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

Dr. P. K. SAHU

Witness

J. K. Pradhan/L. K. Nayak, Manager Law/B. K. Sethi

REPRESENTING WORKMAN

AMITAVA THAKUR