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LABOUR & E. S. I. DEPARTMENT

NOTIFICATION

The 1st September 2014

No. 6875—li-1(SS)-56/2003-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. 03 of 2004 of the Presiding Officer, Industrial Tribunal, Rourkela to whom the industrial dispute between the Management of SAIL, Rourkela Steel Plant, Rourkela and their Workman Shri P. K. Das, PL No. 930683, represented through Rourkela Mazdoor Sabha, 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. 03 OF 2004

Dated the 8th August 2014

*Present :*

Smt. V. Jayashree, o.s.j.s. (Sr. Branch)  
Presiding Officer, Industrial Tribunal, Rourkela.

*Between :*

Deputy General Manager, . . . First Party—Management  
Steel Melting Shop - 1 (Opn.) SAIL, Rourkela  
Steel Plant, At/P.O. Rourkela, Sundargarh.

And

Shri P. K. 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

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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. 869—li-1(SS)-56/2003-LE., dated the 24th January 2004 :—

“Whether the action of the Management of Rourkela Steel Plant, Rourkela in inflicting punishment upon Shri P. K. Das, PL No. 930683, by refusing basic pay by three stages, i. e. from Rs. 2,644 to Rs. 2,497 per month is legal and/or justified ? If not, to what relief is Shri P. K. Das is entitled to ?”.

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 9th August 1999 in respect of the workman reducing his basic pay from Rs. 2,644 to Rs. 2,497 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 9th August 1999 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

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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 P. K. DAS, PL. No. 930683, DESIGNATION ASST. ROLLER, DEPTT. PLATE MILL

## 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 P. K. Das,  
Pl. No. 930683, Design.— Asst. Roller,  
Department Plate Mill.

## SHORT RECITAL OF THE CASE

Whereas, Shri P. K. Das, Pl. No. 930683, Asst. Roller, Plate Mill was awarded with a punishment of reduction of basic pay by three incremental stages, i. e. from Rs. 2,644 to Rs. 2,497 per month in the scale of Rs. 2,140-44-2,448-49-2,791 (S-2) vide Order No. PL-Steel-PM-990171, dated the 9th August 1999 as a disciplinary measure arising out of chargesheet No. 4113-19—SMS-I., dated the 26th August 1997 for committing offence/misconduct ; and

Whereas, the Union (Rourkela Mazdoor Sabha, Rourkela) representing Shri P. K. Das raised an industrial dispute challenging the punishment Order, dated the 9th August 1999 and the Government of Odisha, referred the said dispute to Industrial Tribunal, Rourkela vide order of reference No. 869—li/1(SS)-56/2003-LE., dated the 24th January 2004 and the same has been registered as ID Case No. 03/2004 ; and

Whereas, during pendency of the said ID Case No. 03/2004, 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 9th August 1999 in respect of Shri P. K. Das reducing his basic pay from Rs. 2,644 to 2,497 per month shall stand revoked from the date of the order of the Hon'ble Industrial Tribunal, Rourkela in ID Case No.03/2004.
2. The workman (Shri P. K. Das) will not be given any back wages or any benefit, financial or otherwise from the date of punishment order, i. e. the 9th August 1999 till its revocation, excepting notional restoration of pay.

3. Shri P. 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. 03/2004 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. 03/2004 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 P. K. Das (Workman)

##### Witnesses

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