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**LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT**

NOTIFICATION

The 28th October 2014

No. 8510—IR(ID)-153/2014-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 26th August 2014 in Industrial Dispute Case No. 46 of 2012 of the Presiding Officer, Labour Court, Bhubaneswar wherein the industrial dispute between the Management of Secretary, Maa Durga Girls' High School, At/P.O. Lalganj, Baunsabilla, Dist. Mayurbhanj and its Workman Shri Laxmidhar Singh was filed by the above workman for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 46 OF 2012 [Under Section 2-A (2)]

Dated the 26th August 2014

*Present :*

Shri S. K. Sahoo, O.S.J.S. (Jr. Branch),  
Presiding Officer,  
Labour Court,  
Bhubaneswar.

*Between :*

The management of . . . First Party—Management  
Secretary, Maa Durga Girls'  
High School,  
At/P.O. Lalganj-Baunsabilla,  
P.S. Baripada Sadar,  
Dist. Mayurbhanj.

And

Its Workman Shri Laxmidhar Singh, S/o Late Duma Singh, Vill./P.O. Lalganj-Baunsabilla, P.S. Baripada Sadar, Dist. Mayurbhanj.	. . . Second Party—Workman
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*Appearances :*

None	. . . For the First Party—Management
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Shri Laxmidhar Singh	. . . For the Second Party—Workman himself.

## AWARD

Shri Laxmidhar Singh has filed the present petition under Section 2-A (2) of the Industrial Disputes Act, 1947 with a prayer for his reinstatement in service along with grant of all the monetary benefits to which he is entitled for.

2. The case of the applicant is that he served as a Peon under the opposite party from 1994 to the end of November 2009 continuously but illegally retrenched on the 30th November 2009 without following the principles of natural justice and compliance of Section 25-F of the I. D. Act, 1947 and O.I.D. Rules 1959. The opposite party has not conducted any enquiry against the applicant. On the 9th April 2010 the applicant had submitted a petition before the D.L.O.-cum-Conciliation Officer, Mayurbhanj, Baripada against his illegal retrenchment by the opposite party. No step was taken by the D.L.O.-cum-Conciliation Officer, even after one and half year for which the applicant has filed the present petition before this Court. He has claimed a sum of Rs. 1,36,500 towards back wages from the 1st December 2009 to October 2012 (@ Rs. 3,900 per month X 35 months) along with reinstatement in service.

3. In spite of notice the 1st party management did not turn up to participate in the hearing for which it was set *ex parte* by Order, dated the 10th June 2012.

4. The second party workman is examined as W.W. 1. He relied on some documents. In his evidence the second party workman W.W. 1 deposed that he served as a Peon under the first party management namely, Maa Durga Girls High School, Lalganj, Baunsabilla, P.S. Baripada Sadar, in the district of Mayurbhanj from 1994 till the 30th November 2009 continuously. On the 30th November 2009 the first party management illegally terminated him from his service without following Section 25 of the I. D. Act, 1947., and O.I.D. Rules 1959. He deposed that at the time of termination he was getting monthly salary of Rs. 3,900. He has obtained information from the Inspector of Schools, Baripada under Right to Information Act, vide Letter No. 1005, dated the 8th February 2010. He has prayed for reinstatement in his service along with full back wages from the 1st December 2009 to October 2012 amounting Rs. 1,36,500. Annexure-A is the copy of the Letter No. 1005, dated the 8th February 2010 of Public Information Officer, (Inspector of Schools, Mayurbhanj Circle, Baripada) addressed to the second party workman on the 6th February 2010. On perusal of Annexure-A, it transpires that as per the application of the second party, dated the 8th January 2010 the P.I.O. had supplied the required information to the second party workman. Annexure-B is the information relating to the establishment and recognition of Maa Durga Girls High School, Lalganj. On perusal of Annexure-B, it transpires that the High School was established on the 28th April 2000 and the School authority was allowed to open Class-VIII by the Order of D.S.E.,

Odisha, communicated vide Letter No. 21442, dated the 28th April 2000. It is also clear from Annexure-B that the second party was a Peon in the School at the time of establishment. Annexure-C relates to information of all the staffs of the School at the time of establishment. On perusal of Annexure-C it appears that the second party workman was getting a sum of Rs. 600 per month as his pay. He failed to file any other document regarding his monthly salary under the first party management. No other witness is examined on his behalf to corroborate his evidence. So the evidence of W.W. 1 that he was getting a monthly salary of Rs. 3,900 from the first party management is not at all reliable. Although he deposed that he served under the first party management till the 30th November 2009, no such document is filed by him to prove such evidence. However, in spite of notice the first party management did not turn up to contest the case. The evidence of W.W. 1 relating to his service under the first party management till the 30th November 2009 is not challenged and therefore the same is trustworthy. Hence from the ocular testimony of W.W. 1 and the documents produced by him it is clear that the second party workman was engaged as a Peon under the first party management from the 28th April 2000 till the 30th November 2009 continuously and without following Section-F of the I.D. Act, 1947 and the Rules framed thereunder the second party workman was terminated from service. It is, therefore, held that the termination of service of the workman is illegal and consequently he is entitled to be reinstated in service forthwith.

5. The second party has claimed back wages for the period from 1st December 2009 to October 2012. He has claimed a sum of Rs. 3,900 per month towards his salary but failed to produce any document. On the other hand, from Annexure-C it is clear that he was getting a sum of Rs. 600 per month towards his salary. In view of such evidence, he is entitled to Rs. 600 per month towards his salary for the period from 1st December 2009 to October 2012 amounting to Rs. 21,000 (Rupees twenty-one thousand only) towards back wages. Hence ordered :

#### ORDER

6. The retrenchment of Shri Laxmidhar Singh, Peon on the 30th November 2009 by the first party management, i.e., Secretary, Maa Durga Girls High School, At/P.O. Lalganj-Baunsabilla, P.S. Baripada Sadar, Dist Mayurbhanj (O.P.), is neither legal nor justified. The workman is entitled to be reinstated in service with full back wages of Rs. 21,000 (Rs. 600 p.m. X 35 months). The management opposite party is directed to implement this Award within a period of one month from the date of receipt of this Order, failing which the amounts shall carry interest at the rate of 10% per annum till realisation.

The application of the second party workman is disposed of accordingly.

Dictated and corrected by me.

S. K. SAHOO  
26-08-2014  
Presiding Officer  
Labour Court, Bhubaneswar

S. K. SAHOO  
26-08-2014  
Presiding Officer  
Labour Court, Bhubaneswar

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