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**LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT**

NOTIFICATION

The 28th January 2014

No. 664—IR(ID)-160/2012-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 13th December 2013 in Industrial Dispute Case No. 14 of 2013 of the Presiding Officer, Labour Court, Sambalpur, to whom the industrial dispute between the Management of M/s Bhusan Steel Ltd., Narendrapur, Kusapanga, Dhenkanal and its Workman Smt. Basanti Behera, Peon was referred to 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. 14 OF 2013

Dated the 13th December 2013

*Present :*

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

*Between :*

The Management of . . . First Party—Management  
M/s Bhusan Steel Ltd.,  
Narendrapur,  
Kusapanga,  
Dhenkanal.

And

Their Workman . . . Second Party—Workman  
Smt. Basanti Behera,  
D/o Shri Hrudananda Behera,  
Vill. Narendrapur, P.O. Kusapanga,  
Dist. Dhenkanal.

*Appearances :*

None	. . For the First Party—Management
Self	. . For the Second Party—Workman

## AWARD

1. This award arises out of a reference made by the Government of Odisha, Labour & E.S.I. Department under the power conferred by sub-section (5) of Section 12, read with Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (for short the "Act") vide Order under Memo. No. 3377(6), dated the 6th April 2013. The dispute involved under the Schedule of reference is as follows :

"Whether the action of the management of M/s Bhusan Steel Ltd., Narendrapur, Dist. Dhenkanal in terminating the services of Smt. Basanti Behera, Peon with effect from the 17th September 2011 is legal and/or justified ? If not, what relief Smt. Behera is entitled to ?"

2. The case of the second party workman in brief is that she was employed by the first party management as a Peon and continued to serve under it since the 12th October 2003. She alleges that all of a sudden on dated the 17th September 2011 she was refused to serve by the first party without any reason. According to the second party, such act of the first party amounts to illegal retrenchment as per the procedure laid down in Sections 25-F and 25-N of the I. D. Act, was not followed and no retrenchment compensation was provided to her. The second party lodged a complaint before the Labour Machinery at Dhenkanal who tried to make a conciliation between the parties but the same failed and ultimately the Conciliation Officer-*cum*-District Labour Officer, Dhenkanal submitted a failure report to the Government. Hence, the reference.

3. The first party did not turn up in response to the notice issued from the Court and as such it was set *ex parte* vide Order, dated the 4th November 2013.

4. During *ex parte* hearing the second party examined herself as sole witness and she proved several documents which are marked Ext. 1 to Ext. 3.

5. The second party in course of her evidence deposed that she was employed by the first party since Dt. 12-10-2003 as a Peon and was in continuous service. She has also deposed that with effect from dated the 17th September 2011, the first party refused her service without assigning any reason. She was not paid any retrenchment compensation and the procedure laid down in Sections 25-F and 25-N of the I.D. Act was not followed. The workman claimed to be entitled to reinstatement in service with full back wages from Dt. 17-9-2011. It reveals from the claim statement and evidence of the workman and the failure report submitted by the Conciliation Officer so also Ext. 1, the Identity Card of Project Affected Persons issued by the Collectorate, Dhenkanal that the second party is a member of the Bhusan Project Affected Family and her father nominated her to be employed under the first party. The unchallenged evidence of the second party also reveals the fact that she was appointed by the first party on dated the 12th October 2003 and was refused employment with effect from the 17th September 2011. Although, the workman rendered continuous service to the management, the latter without observing the requirement of Section 25-F terminated her service. There was no payment of retrenchment compensation and no prior notice. There is no material to show that the workman faced any disciplinary proceeding prior to her termination from service or called upon to submit any explanation.

6. In view of the above facts and circumstances, I am of the considered opinion that the first party having no good reason illegally refused employment to the second party and as such she is entitled to reinstatement in service with full back wages.

Hence, the following award.

#### AWARD

The reference is answered on *ex parte* without cost in favour of the second party workman. The action of the management of M/s Bhusan Steel Ltd., Narendrapur, Dist. Dhenkanal in terminating the services of Smt. Basanti Behera, Peon with effect from the 17th September 2011 is held to be illegal and unjustified. She is entitled to reinstatement in service with full back wages. The first party is directed to reinstate her in service within one month. The first party is further directed to pay full back wages to her from the date of termination, i.e. the 17th September 2011 till she is reinstated in service within a period of 3 months from the date of publication of the Award, failing which the same shall carry interest @ 10% per annum till full realisation.

Dictated and corrected by me.

SRIKANTA MISHRA  
13-12-2013  
Presiding Officer  
Labour Court, Sambalpur.

SRIKANTA MISHRA  
13-12-2013  
Presiding Officer  
Labour Court, Sambalpur.

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By order of the Governor  
N. BEHERA  
Under-Secretary to Government