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LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT

NOTIFICATION

The 31st January 2014

No. 800—IR(ID)-65/2012-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 7th November 2013 in Industrial Dispute Case No. 15 of 2013 of the Presiding Officer, Labour Court, Sambalpur, to whom the industrial dispute between the Management of M/s Ashok Multi Yarn Mills Ltd., Kirei, Sundargarh and their Workman Shri Nityananda Kishan represented through General Secretary, Kirei Ashok Synthetic Mills Workers Union, Kirei, Sundargarh 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. 15 OF 2013

Dated the 7th November 2013

Present :

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

Between :

The Management of . . . First Party—Management
M/s Ashok Multi Yarn Mills Ltd.,
Kirei, Sundargarh-770 073.

And

Their Workman . . . Second Party—Workman
Shri Nityananda Kishan,
represented through the General
Secretary, Kirei Ashok Synthetic Mills
Workers Union, Kirei,
Dist. Sundargarh-770 073.

Appearances :

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

AWARD

1. This case was registered as per the Order No. 3366, dated the 6th April 2013 of the Government. The Schedule of reference is as follows :

"Whether the termination of services of Shri Nityananda Kishan with effect from the 6th January 2009 by the management of M/s Ashok Multi Yarn Mills Ltd., Kirei, Sundargarh is legal and/or justified ? If not, what relief Shri Kishan is entitled to ?"

2. The brief fact of the case is that one Nityananda Kishan, filed a complaint before the O.I.C., Sadar Police Station, Sundargarh, stating that he was refused employment by the first party management. The matter was inquired into by the Assistant Labour Officer, Sundargarh-cum-Conciliation Officer, took the views of the workman who was represented by the second party Union. The workman claimed to have been working under the management since 2002 but was suddenly refused to work with effect from the 6th January 2009. Though the management appeared before the Conciliation Officer, no settlement could arrive and therefore, the Assistant Labour Officer, Sundargarh, submitted failure report to the Government.

3. Neither the workman nor the Union representing the workman appeared in Court in response to the notification of the Government within the stipulated period. A registered notice was sent to the second party vide Order, dated the 3rd June 2013 calling upon him to file statement of claim and relevant documents. Although the registered post notice was sent in the proper address of the Union and in the meantime more than 4 months has passed, none is appearing on behalf of the second party. From the above circumstances, I feel that the second party (workman) and the Union are not interested to prosecute the case. In absence of any evidence, the reference cannot be answered in favour of the workman nor any relief can be granted to him.

4. In view of the above facts and circumstances, I am inclined to pass a No Dispute Award in so far as the reference is concerned.

Dictated and corrected by me.

SRIKANTA MISHRA
07-11-2013
Presiding Officer
Labour Court, Sambalpur.

SRIKANTA MISHRA
07-11-2013
Presiding Officer
Labour Court, Sambalpur.

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