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LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT

NOTIFICATION

The 11th February 2014

No. 1185—1-1/1 (SS)-45/2006-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 5th November 2013 in Industrial Dispute Case No. 02 of 2007 of the Presiding Officer, Industrial Tribunal, Rourkela to whom the industrial dispute between the Management of M/s M. R. Enterprises, Qr. No. G-4/2, Civil Township, Rourkela, M/s Adhunik Metaliks Ltd., Rourkela and their Workman Shri Ratikanta Satpathy, Dozer Operator was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, ROURKELA

INDUSTRIAL DISPUTE CASE No. 2 OF 2007

Dated the 5th November 2013

Present :

Shri S. K. Mohanty,
Presiding Officer,
Industrial Tribunal,
Rourkela.

Between :

1. M/s M. R. Enterprises, . . . First Party—Managements
Qr. No. G-4/2, Civil Township,
Rourkela.
2. M/s Adhunik Metaliks Ltd.,
Civil Township,
Rourkela-4.

And

Shri Ratikanta Satpathy, . . . Second Party—Workman
Qr. No. MICR-58, At Chhend,
Rourkela.

Appearances :

None	. . For the First Party—Management
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Shri S. Biswal, Advocate	. . For the Second Party—Workman

AWARD

The Government of Odisha in Labour & Employment Department in exercise of their power conferred under sub-section (5) of Section 12 read with Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act have referred the following dispute vide Order No. 10999—li/1(SS)-45/2006, dated the 11th December 2006 for adjudication :

"Whether the action of the management of M/s M. R. Enterprises, Civil Township, Rourkela, a Contractor of M/s Adhunik Metaliks Ltd., Rourkela in terminating the services of Shri Ratikanta Satpathy, Dozer Operator by way of refusal of employment with effect from the 8th November 2005 is legal and/or justified ? If not, to what relief Shri Ratikanta Satpathy is entitled ?"

2. The case of the second party is that he joined as Dozer Operator on dated the 29th November 2003 and continued up to the 8th November 2005 with a salary of Rs. 5,500 per month. He was discharging his duties sincerely. The workman was never proceeded with any disciplinary action at any point of time. During October 2005 the workers demanded payment of bonus and the second party was taking active part in the movement. So the management bore grudge against him and refused employment to him. The second party had worked under the management continuously from dated the 29th November 2003 to the 8th November 2005 without any interruption. As such the refusal of employment by the management is illegal and unjustified.

3. Notices being sent through registered post to the first party management. The first party did not appear on several occasions. So the management was set *ex parte*.

4. The second party workman in his affidavit evidence has stated that the first party is coming under the purview of 'Industry' as defined under the I. D. Act. So also the second party is a "workman" within the meaning of Section 2(s) of the Act. As during October 2005 the workmen demanded bonus and second party was taking part in it. The management bore grudge against him. Before refusal of employment, no domestic enquiry was conducted against him. So the action of the management in terminating the services of second party is illegal and unjustified and the second party is entitled to reinstatement in service with full back wages. Accordingly the reference is answered against the management.

Dictated and corrected by me.

S. K. MOHANTY
5-11-2013
Presiding Officer
Industrial Tribunal
Rourkela

S. K. MOHANTY
5-11-2013
Presiding Officer
Industrial Tribunal
Rourkela

By order of the Governor
NATHA BEHERA
Under-Secretary to Government