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## LABOUR & E.S.I. DEPARTMENT

### NOTIFICATION

The 12th February 2014

No. 1206—IR-(ID)-130/2012-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 6th November 2013 in Industrial Dispute Case No. 12 of 2013 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the Management of M/s Kusum Powermet (P) Ltd., Keonjhar and their workman Shri Pratap Behera 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. 12 OF 2013

Dated the 6th November 2013

#### *Present :*

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

#### *Between :*

The Management of  
M/s Kusum Powermet Pvt. Ltd.,  
Keonjhar. . . . . First Party—Management

And

Their workman,  
Shri Pratap Behera,  
S/o Late Damodar Behera,  
At Sanjoda, P.O. Chipinda,  
Dist. Keonjhar. . . . . Second Party—Workman

#### *Appearances :*

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

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

## AWARD

1. The second party workman named above claiming to have worked as a Helper under the first party management from the year 2004, alleged before the Assistant Labour Officer, Champua-cum-Conciliation Officer under the I.D. Act that on 15th February 2009 the management refused his employment without assigning any reason. The Conciliation Officer failed to make any amicable settlement and submitted a failure report to the Government under Section 12(4) of the I.D. Act. The Government in exercise of the powers 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), referred the matter for disposal to this Court vide Memo. No. 2415(6), dated the 7th March 2013 for adjudication under the following Schedule :—

“Whether the termination of services of Shri Pratap Behera, with effect from the 15th February 2009 by the management of M/s Kusum Powermet (P) Ltd., At. Kutugaon, P.O. Chipinda, Dist. Keonjhar by way of refusal of employment is legal and/or justified ? If not, what relief Shri Behera is entitled to ?”

2. The workman within stipulated period of 15 days of publication of order of reference neither filed statement of claim nor any documents, list of reliance and witnesses before this Court. The notice of the case was sent to the workman by Regd. Post on 31st May 2013 but the workman did not turn-up. Since the notice was issued in the proper address of the workman by Regd. Post and in the meantime, more than 5 months has passed away, it is felt that the workman is not interested to proceed with the case.

3. The absence of the statement of claim, documents and reliance of witnesses, the reference can not be answered in favour of the workman and no relief can be granted in his favour. Under such 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  
6-11-2013  
Presiding Officer  
Labour Court, Sambalpur

SRIKANTA MISHRA  
6-11-2013  
Presiding Officer  
Labour Court, Sambalpur

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