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LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 18th March 2014

No. 2573—IR(ID)-27/2011-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 1st February 2014 in Industrial Dispute Case No. 45 of 2013 of the Presiding Officer, Industrial Tribunal, Bhubaneswar in which the industrial dispute between the Management of Manager (Electrical) E. & M.R. Division, Cuttack, Central Electricity Supply Utility, Badambadi, Cuttack and its Workman Shri Ganesh Chandra Patra was filed by the above-mentioned workman under section 2-A(2) of I.D. Act, 1947 for adjudication is hereby published as in the Schedule below :—

SCHEDULE

IN THE INDUSTRIAL TRIBUNAL, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 45 OF 2014

Dated the 1st February 2014

Present :

Shri P. K. Ray, o.s.J.s. (Sr. Branch),
Presiding Officer,
Industrial Tribunal, Bhubaneswar.

Between :

The Management of . . . First Party—Management
Manager (Elect.) E. & M.R. Division,
Cuttack, Central Electricity Supply Utility,
Qrs. No. 2RB/25, CESCO Colony,
Badambadi, Cuttack-12.

And

Its Workman, . . . Second Party—Workman
Shri Ganesh Chandra Patra
S/o Late Nilakantha Patra
Vill Panchagaon, P.O. Rasalpur,
P.S. Balasore Sadar, Dist. Balasore.

Appearances :

For the First Party—Management	. .	Shri D. Mohanty, Advocate
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For the Second Party—Workman	. .	Shri Trilochan Lenka, Advocate

AWARD

This case under section 2-A(2) of the Industrial Disputes Act, 1947 has been filed by the second party workman challenging his termination from service with a prayer to reinstate him in service with full back wages and consequential service benefits.

2. The case of the second party workman is that he joined as a Junior Artisan-B(contract) under the first party management with effect from the 15th January 2008 but the first party management terminated his service vide office order dated the 11th September 2009 and relieved him with effect from the 14th September 2009 without any enquiry or compliance of the provisions of the Industrial Disputes Act. Challenging such termination the second party workman raised an industrial dispute through his Union Orissa Rajya Bidyut Shramik Karmachari Sangha before the District Labour Officer, Cuttack and ultimately the matter was referred to the Industrial Tribunal, Bhubaneswar for adjudication. The Industrial Tribunal vide its Award in I.D. Case No. 40 of 2011, dated the 17th October 2012 directed the management for his reinstatement with an observation that it is open to the management to initiate disciplinary proceeding against him on any alleged misconduct. After publication of the Award when the second party workman submitted his joining report on the 29th December 2012 the first party management did not comply the same. However, on the 31st January 2013 after receipt of the Letter No. 30, dated the 29th January 2013 of the first party management he submitted his joining report before the first party management on the 5th February 2013 but the first party management without compliance of the Award passed by the Industrial Tribunal illegally terminated him vide office order dated the 7th June 2013 and did not pay him salary from the date of the Award till his joining nor conducted any enquiry as per the direction of the Industrial Tribunal. Though the second party workman made several representations, the first party management did not take any action thereon. Being aggrieved by such action the second party workman again raised an industrial dispute before the first party management on the 20th June 2013 with complaint to the District Labour Officer on the same day. Since no action was taken by the labour machinery within a period of 45 days, this case has been filed by him for adjudication of the dispute.

3. The first party management in its written statement has stated that the second party workman was appointed as a Junior Artisan-B (contract) for a period of two years by the General Manager (HRD) vide order dated the 29th December 2007. After expiry of the said period which is inclusive of the extended period awarded by the Industrial Tribunal in I.D. Case No. 40 of 2011 vide order dated the 17th October 2012, the services of the second party workman automatically stood terminated and therefore, the second party is not entitled to any relief prayed for.

4. In the aforesaid premises, the issues framed in this case are as follows :—

ISSUES

- (i) Whether the termination of services of Ganesh Chandra Patra, Jr. Artisan-B (contract) with effect from the 7th June 2013 by the Manager (Elect.) E. & M.R. Division, Cuttack is legal and/or justified ?
- (ii) If not, what relief Shri Patra is entitled to ?”

5. In support of their respective case while the second party workman has examined himself as W.W. No. 1 and filed documents marked Exts. 1 to 6, the first party management declined to adduce any oral evidence but relied on a document marked Ext. A.

FINDINGS

6. *Issue Nos. (i) & (ii)*— In I.D. Case No. 40 of 2011 this tribunal vide its Award dated the 17th October 2012 marked Ext. 1 directed for reinstatement of the second party workman with the same terms and conditions as per Ext. A. Ext. A is the terms and conditions of appointment of the second party workman. The terms of the said appointment is contractual and is for a period of two years. The second party workman in his cross-examination at Para. 18 has stated that as per the Award on completion of two years his services came to an end. In the aforesaid background, after expiry of the period of two years the second party workman does not have any right to claim for his reinstatement. Therefore, he is not entitled to any relief in the present proceeding.

The case is disposed of accordingly.

Dictated and corrected by me.

P. K. RAY
01-02-2014
Presiding Officer
Industrial Tribunal, Bhubaneswar

P. K. RAY
01-02-2014
Presiding Officer
Industrial Tribunal, Bhubaneswar

By order of the Governor
R. K. NANDA
Under-Secretary to Government