

The Odisha Gazette

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 655 CUTTACK, MONDAY, APRIL 7, 2014/CHAITRA 17, 1936

LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 3rd April 2014

No. 3086—li/1-91/1990(Pt.)-LE.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 21st September 2013 in I.D. Case No. 7 of 1997 of the Presiding Officer, Industrial Tribunal, Rourkela to whom the industrial dispute between the management of Steel Authority of India (SAIL), Rourkela Steel Plant, Rourkela and their workmen represented by Rourkela Mazdoor Sabha, Rourkela was referred to for adjudication is hereby published as in the schedule below.

SCHEDULE

IN THE COURT OF PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, ROURKELA

INDUSTRIAL DISPUTE CASE No. 7 OF 1997

Dated the 21st September 2013

Present :

Shri S. K. Mohanty, s.j.s. (Sr. Branch),
Presiding Officer,
Industrial Tribunal, Rourkela.

Between :

Deputy General Manager (P. & A.) .. First Party—Management
SAIL, Rourkela Steel Plant,
Rourkela.

And

Their workmen represented .. Second Party—Workman
by General Secretary,
Rourkela Mazdoor Sabha,
At Bisra Road, Rourkela.

Appearances :

Shri L. K. Nayak, Law Officer .. For the First Party—Management

Shri Sasadhar Naik, Vice-President .. 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, 1947 have referred the following dispute vide Order No. 15340—li/1-91/1990-LE., dated the 19th November 1990 for adjudication.

“Whether the action of the management of SAIL, Rourkela Steel Plant, Rourkela in reducing the manning strength in different departments of the plant is legal and/or justified ? If not, what should be the manning strength in each Department ?”

2. The case of the workmen in short is that Rourkela Steel Plant is a Unit of SAIL, which produces various types of steel materials. Accordingly the workmen were employed and deployed in the various departments of R.S.P. The workmen are subjected to lot of stress and strain which cause fatigue and other forms of sickness. It is necessary therefore to provide adequate manning/ manpower and a definite number of workmen who will be able to perform the task of the departments during working shifts. Therefore the action of management in reducing the manning strength in different departments of R.S.P. is illegal, unjustified and improper.

3. The case of the management in short is that it is not correct to say that the working environment in the R.S.P. is full of stress and strain of various kinds due to heat, dust, gas, etc. Several plants and working areas have been airconditioned. It can be stated that there has never been any complaint from the workers of increased workload. Again the management submits that the plea of the Union is based upon misreading of the provisions of the Standing Orders. The management also deny the allegation of the workmen that there has been cut-down of manpower or manning strength or that there has been any increase in the workload. The management submits that there is no “Recruitment-*cum*-Promotion Policy” of R.S.P. Generally recruitment is done in four grades leaving chances for promotion to other grades. Therefore the reference is bad both in fact and law and it is liable to be answered in favour of management.

4. To decide the case, these issues were framed :

- (i) “Is the reference maintainable ?
- (ii) Is the action of the management of Rourkela Steel Plant in reducing the manning strength in different departments legal and justified ?
- (iii) What should be the manning strength in each department of the Rourkela Steel Plant ?
- (iv) Is the reduction of manning strength, if any, is in violation of the alleged Settlement ?
- (v) What should be the methodology & mechanism for determination of the manning strength of each department of SAIL, Rourkela Steel Plant ?”

5. *Issue Nos. II to V* :—As Issue Nos. II to V are interrelated to one another, those are taken up together for the shake of convenience. These issues were framed to decide “whether the action of the management of Rourkela Steel Plant in reducing manning strength in different department is legal and justified ? and whether the reduction of manning strength is in violation of the alleged settlement and what should be the methodology and mechanism for determination of the manning strength of each department of SAIL, Rourkela Steel Plant.

6. Admittedly during last 23 years of hearing of the case only two witnesses were examined from the side of the workmen and the case is posted to today for further hearing from the workmen side. But today Shri Sasadhar Nayak, Vice-President of Rourkela Mazdoor Sabha has appeared before the Court on behalf of the Union and has filed a petition praying the Court to expunge the evidence of W.W. Nos. 1 & 2 given earlier in view of the modernising programme of R.S.P. received from the SAIL authorities and in view of the introduction of modern technology resulting in reduction of man power of R.S.P. for omission of manning reduction system. The copy of the said petition having been served on the management side has been heard and has been allowed and the evidence of W.W. Nos 1 & 2 have been expunged.

FINDINGS

7. Further Shri Sasadhar Nayak has filed another petition to allow him to appear as W.W. 1 from workmen side to depose about the present position of the dispute. The copy of the said petition is served on the management side and as the management side has no objection on the said petition, Shri Nayak has been allowed to be examined as W.W. 1 from the side of the workmen. Shri Nayak in his evidence has clearly stated that the dispute had arisen about 23 years back. But the same could not be decided till date due to the inability of Mazdoor Union to adduce required evidence. Further in the meantime modernisation programme of R.S.P. has been received from the SAIL authorities and after introduction of modern technology the manpower of R.S.P. has been reduced for omission of manning reduction system and the Mazdoor Union is no more interested to proceed with the dispute after long lapse of 23 years as during these years many of the workmen mentioned in the list submitted by the Union have either been superannuated or have expired and most of the rest workmen are no more interested to proceed with the case.

8. In the above circumstances, the Mazdoor Union has filed a petition to dispose of the case with a finding of no dispute between Mazdoor Union and the management. It is also accepted by the management. Keeping in view of the evidence given by Shri Sasadhar Nayak, Vice-President of the Union the I.D. case is disposed of with No Dispute Award.

9. *Issue No. (i)*—In view of the above finding the reference made by the State Government is not maintainable.

Dictated and corrected by me.

S. K. MOHANTY
21-9-2013
Presiding Officer
Industrial Tribunal, Rourkela

S. K. MOHANTY
21-9-2013
Presiding Officer
Industrial Tribunal, Rourkela

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