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LABOUR & EMPLOYEES STATE INSURANCE DEPARTMENT

NOTIFICATION

The 21st May 2014

No. 3883—li-1(BH)-7/2007-LESI.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 21st March 2014 in I. D. Case No. 3 of 2013 of the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the industrial dispute between the management of Rengali Hydro Electric Project, Odisha Hydro Power Corporation Ltd., Rengali, Dist. Angul and their workmen represented through the General Secretary, Odisha Hydro Power Corporation Employees Union, Rengali was referred to for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE INDUSTRIAL TRIBUNAL, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 3 OF 2013

Dated the 21st March 2014

Present :

Shri Pradip Kumar Ray, o.s.j.s. (Sr. Branch),
Presiding Officer, Industrial Tribunal,
Bhubaneswar.

Between :

The Management of .. First Party—Management
Rengali Hydro Electric Project,
Odisha Hydro Power Corporation Ltd.,
Rengali, Dist. Angul.

And

Their workmen, represented .. Second Party—Workmen
through General Secretary,
Odisha Hydro Power Corporation
Employees' Union, Rengali Unit,
Rengali Dam Site, Dist. Angul.

Appearances :

Shri Debaraj Pradhan, Auth. Rept.	.. For the First Party—Management
Shri K. P. Patra, Auth. Rept.	.. For the Second Party—Union

AWARD

This case has been instituted under Section 10 (1) of the Industrial Disputes Act, 1947 (for short, the 'Act') on a reference made by the Labour & Employment Department of the Government of Odisha under Section 12(5)(d) of the Act vide its letter No. 18829—li-1(BH)-7/2007-LE., dated the 20th December 2007 with the following schedule :—

“Whether the fixation of Scale of Pay of Rs. 2,770—4,724 for the Despatcher with effect from the 1st April 1997 by the management of R.H.E.P., O.H.P.C. Ltd., Rengali vide Order No. 11405, dated the 4th September 2001 instead of Rs. 3,600—6,550 as demanded by the O.H.P.C. Employees Union is legal and justified? If not, what is the relief a Despatcher is entitled to?”

2. The case of the second party Union is that as per the Odisha Electricity Reforms Act, on formation of O.H.P.C., the Rengali Hydro Electric Project which was directly controlled by the State Government comes under the administrative control of the Odisha Hydro Power Corporation Ltd., along with the Balimela Hydro Electric Project which was under the control of the O.S.E.B and some others. Under the Act and Rules the service facilities of ex Government employees and O.S.E.B. would not be less beneficial to its employees on permanent absorption in the O.H.P.C. The duties of the Despatcher of the Government Organisation and Public Sector Undertaking are same and equal. But while the Despatcher of Balimela Hydro Electric Project was given the Pay Scale of Rs. 3,600—6,500 with effect from the 1st January 1995, Shri Rasananda Pradhan, the Diarist-cum-Despatcher was deprived of the same. Hence on the basis of the complaint lodged by the Union ultimately this reference has been made by the State Government for adjudication by this Tribunal.

3. The first party management in its written statement admitting that after Odisha Electricity Reforms Act, 1995 and Rules, 1996 came into effect from the 1st April 1996, the O.H.P.C. Ltd. framed its own service conditions applicable to non-executive transferred personnel from the State Government with effect from 1st April 1997. On the basis of option given by the ex State Government employees they are finally absorbed in the O.H.P.C. The employees belonging to different cadre were given the Scale of Pay as per the Pay Revision of the State Government or O.S.E.B. The Despatchers were allowed to continue in the same Scale of Pay as they were receiving from the erstwhile management subject to their fitment in NE-3 or NE-5 Grade. The employees involved in the present dispute being in NE-2 and NE-3 Grade their claim for NE-5 Grade is not proper. It is stated that prior to absorption of O.S.E.B. and R.H.E.P. in O.H.P.C. there were two separate scales. After rationalisation the Pay Scale of Despatcher of NE-2 Grade was fixed at the Pay Scale of Rs. 2,770—4,724. Therefore, the Despatchers are not entitled to the Pay Scale as claimed by the second party union.

In one additional written statement it is further stated that at the time of rationalisation of pay objections were invited from the employees in respect of anomalies in Pay Scale but no objection has been raised by the Diarist-cum-Despatcher relating to their Scale of Pay. Therefore, they are debarred to raise the same in the present proceeding.

4. The second party Union in its rejoinder reiterating its claim has stated that the Diarist-*cum*-Despatchers are entitled to the Scale of Pay of Rs. 3,600—6,500 as their counterparts in GRIDCO, O.P.T.C.L., O.P.G.C. and even in the Balimela Hydro Electric Project functioning under the O.H.P.C.

5. In the aforesaid premises, the issues framed are as follows :

ISSUES

- (i) "Whether the fixation of Scale of Pay of Rs. 2,770—4,724 for the Despatcher with effect from the 1st April 1997 by the management of R.H.E.P., O.H.P.C. Ltd., Rengali vide Order No. 11405, dated the 4th September 2001 instead of Rs. 3,600—6,550 as demanded by the O.H.P.C. Employees Union is legal and justified ?
- (ii) To what relief a Despatcher is entitled ?"

6. In order to substantiate their respective stand while the second party Union has examined two witnesses and filed documents marked Exts. 1 to 16, the first party management has examined one witness and filed documents which have been marked Exts. A to H and Ext. J.

FINDINGS

7. *Issue Nos. (i) and (ii)*—In this case the second party Union claims the Scale of Pay of Rs. 3,600—6,560 for the post of Diarist-*cum*-Despatcher under the O.H.P.C. with effect from the 1st April 1997 instead of the Pay Scale of Rs. 2,770—4,724. Admittedly, the Balimela Hydro Electric Project is providing the Scale of Pay of Rs. 3,600—6,550 to its Despatcher. The Balimela Hydro Electric Project is one of the units of the O.H.P.C. Therefore, providing two different scales for the Diarist-*cum*-Despatcher in two units under the O.H.P.C. is a discrimination which is not permissible under law. Therefore, the demand of the second party Union for providing the Scale of Pay of Rs. 3,600—6,550 in respect of the Despatchers working under the Rengali Hydro Electric Project with effect from the 1st April 1997 is justified and accordingly the Despatchers are entitled to the Scale of Pay of Rs. 3,600—6,550 with effect from the 1st April 1997.

The reference is answered accordingly.

Dictated and corrected by me.

P. K. RAY
21-3-2014
Presiding Officer
Industrial Tribunal
Bhubaneswar

P. K. RAY
21-3-2014
Presiding Officer
Industrial Tribunal
Bhubaneswar

By order of the Governor
M. NAYAK
Under-Secretary to Government