

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 249 CUTTACK, FRIDAY, JANUARY 20, 2023/PAUSA 30, 1944

LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 16th January 2023

S. R. No. 38/2023 —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the award dated the 5th January 2023 passed in the I.D. Case No. 68/2021 by the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the industrial dispute between the Proprietor, M/s Samal Engineering, At/P.O. Paradeepgarh, Via Kujang, Dist. Jagatsinghpur-754142, the Joint General Manager, M/s Essar Steel India Ltd., At Udayabatta, Paradeep, Dist. Jagatsinghpur and Shri Kulamani Parida, C/o Shri Sanatan Behera, General Secretary, Paradeep Essar Steel India Workers Union, At Old Post Office, Quarters C-1, P.O. Paradeep Port, Dist. Jagatsinghpur was referred to for adjudication is hereby published as in schedule below :—

SCHEDULE

IN THE INDUSTRIAL TRIBUNAL, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 68 OF 2021

Dated the 5th January 2023

Present :

Shri Hiranmaya Bisoi, LL.M.,
Presiding Officer,
Industrial Tribunal,
Bhubaneswar.

Between :

The Proprietor,
M/s Samal Engineering,
At/P.O. Paradeepgarh, Via Kujang,
Dist. Jagatsinghpur-754142

The Joint General Manager,
M/s Essar Steel India Ltd.,
At Udayabatta, Paradeep,
Dist. Jagatsinghpur.

.. First Party—Management

And

Shri Kulamani Parida, . . . Second Party—Workmen.
C/o Shri Sanatan Behera,
General Secretary,
Paradeep Essar Steel India Workers Union,
At Old Post Office, Quarter C-1,
P. O. Paradeep Port, Dist. Jagatsinghpur.

Appearances :

For both the Parties . . . None

AWARD

The Labour and E.S.I. Department, Government of Odisha have referred the following matter in dispute between the parties for adjudication vide its Order No. 10020—LESI-IR-ID-00803/2021-LESI., dated the 16th December 2021 as follows :

“ Whether the action of the Management of M/s Samal Engineering a contractor of M/s Essar Steel India Ltd., Paradeep (Principal Employer) in refusing Shri Kulamani Parida from his employment with effect from the 22nd August 2018 is legal and/ or justified? If not, what relief the workman is entitled to ? ”

2. None of the parties appeared on repeated calls. Specially, the second party has shown any interest to file its claim statement nor it has taken any step in the proceeding, despite notice issued by this Tribunal to appear and appraise about the position of the case. The aforesaid conduct of the second party constrains this Tribunal to draw an inference that either he has no say over the dispute or the dispute is no more subsisting between the parties. That apart, in absence of pleadings and evidence on record, this Tribunal is not in a position to answer the reference in any manner. In the circumstance, when the second party, who is the claimant, seems to have shown no interest to prosecute the 'lis' further and there is no pleading and evidence on record to answer the reference made to this Tribunal.

Accordingly, the reference having been un-answered returned to the Government.

Dictated and Corrected by me.

HIRANMAYA BISOI
05-01-2023
Presiding Officer
Industrial Tribunal, Bhubaneswar.

HIRANMAYA BISOI
05-01-2023
Presiding Officer
Industrial Tribunal, Bhubaneswar

[No. 587—LESI-IR -ID-0006/2023-LESI.]

By order of the Governor
NITIRANJAN SEN
Additional Secretary to Government