

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1971 CUTTACK, WEDNESDAY, AUGUST 16, 2023/SRAVANA 25, 1945

LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 10th August 2023

S.R.O. No. 547/2023—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the award dated the 24th June 2023 passed in the ID Case No. 30 of 2022 by the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the industrial dispute between the Management of M/s. PADMA, 11-Ashok Nagar, Bhubaneswar and Shri Debasis Sahoo and 3 others, represented by the General Secretary, AICCTU, Nagabhusan Bhawan, A/13, Ashok Nagar, Bhubaneswar was referred to for adjudication is hereby published as in the schedule below :—

SCHEDULE

THE INDUSTRIAL TRIBUNAL, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 30 OF 2022

Dated the 24th July 2023

Present :

Shri Benudhar Patra, B. Sc., LL.M.,
Presiding Officer,
Industrial Tribunal, Bhubaneswar.

Between :

The Management of
M/s. PADMA, 11-Ashok Nagar,
Bhubaneswar. The First Party—Management

And

Shri Debasis Sahoo and 3 others,
Represented by the General Secretary,
AICCTU. Nagabhusan Bhawan,
A/13, Ashok Nagar, Bhubaneswar. The 2nd Party—Workmen

Appearances :

Shri Sushant Dash, Advocate	..	For the First Party—Management
<hr/>		
Shri M. Parida, A/R	..	For the Second Party—Workmen

AWARD

The Government of Odisha in the Labour & E.S.I. Department, in exercise of powers conferred upon it by sub-section (5) of Section 12 read with Clause(d) of sub-section(1) of Section 10 of the Industrial Disputes Act,1947(for short 'the Act') have referred the following schedule of dispute for adjudication by this Tribunal vide Order No. 2931—LESI-IR-ID-0014/2022-LESI., dated the 8th April 2022 :

SCHEDULE

“Whether the action of the management of M/s.PADMA, 11- Ashok Nagar, Bhubaneswar in terminating the service of Shri Debasis Sahoo, Shri Manoj Kumar Parida, Shri Padma Charan Sahoo and Shri Dillip Kumar Kantha by way of retrenchment is legal and/or justified? If not, what relief they are entitled to ?”

2. The present reference is the outcome of failure of conciliation of the dispute by the Conciliation Officer-*cum*-Assistant Labour Officer, Bhubaneswar. Consequent upon receipt of the aforesaid reference, both parties submitted their respective claim statement and written statement and on perusal of their pleadings issues were settled on the 16th June 2023 and the case was posted to the 23rd June 2023 for evidence of the second party. On the 23rd June 2023 neither the second party turned up nor any step was taken on its behalf. However, taking a lenient view the case was adjourned to the 7th July 2023 for evidence of the second party. On the adjourned date as the second party did not appear or take any steps, another opportunity was afforded to it for the purpose and the case was posted to today i.e. the 17th July 2023. On the 17th July 2023, the second party is also found absent. However, as per Rule 10(B) of the Orissa Industrial Disputes Rules,1959, the management was afforded an opportunity to adduce evidence, if any and the case was adjourned to today i.e. the 24th July 2023. Today when the case was called on for hearing, learned counsel appearing for the first party management submitted that as the claimant is not coming forward to substantiate his claim, the first party does not want to lead any evidence in the proceeding. He also filed a memo to that effect.

3. From the aforesaid conduct of the second party there is sufficient reason to presume that either the disputant has no interest to advance his dispute further or the dispute might have been settled between the parties in the meantime. Similarly, the management though entered its appearance, yet it filed a memo declining to adduce any evidence in the proceeding. In the aforesaid background, when the claimant/disputant as well as the management are not interested to pursue the 'lis', it is not possible on the part of this Tribunal to answer the reference in any manner.

Intimate the appropriate Government accordingly.

Dictated and corrected by me.

BENUDHAR PATRA
24-07-2023
Presiding Officer
Industrial Tribunal, Bhubaneswar

BENUDHAR PATRA
24-07-2023
Presiding Officer
Industrial Tribunal, Bhubaneswar

[No. 7659—LESI-IR-ID-0117/2023-LESI.]

By order of the Governor

NITIRANJAN SEN

Additional Secretary to Government