

# The Odisha Gazette

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## LABOUR & E.S.I. DEPARTMENT

### NOTIFICATION

The 24th January 2024

**S. R. O. No. 61/2024**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 30th December 2023 passed in the I.D. Case No. 26 of 2015 by the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the In-charge, Sports Hostel, Talabania, Puri and Shri Prafulla Kumar Behera, S/o Late Fakira Behera, At Chakratirth Road, Puri was referred to for adjudication is hereby published as in the schedule below :—

### SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 26 of 2015

Dated the 30th December 2023

#### *Present :*

Smt. Aparna Mohapatra,  
Presiding Officer,  
Labour Court, Bhubaneswar.  
(JO CODE - OD-0408)

#### *Between :*

|                                                      |    |                        |
|------------------------------------------------------|----|------------------------|
| The In-charge,<br>Sports Hostel,<br>Talabania, Puri. | .. | First Party—Management |
|------------------------------------------------------|----|------------------------|

And

|                                                                                      |    |                      |
|--------------------------------------------------------------------------------------|----|----------------------|
| Shri Prafulla Kumar Behera,<br>S/o Late Fakira Behera,<br>At Chakratirth Road, Puri. | .. | Second Party—Workman |
|--------------------------------------------------------------------------------------|----|----------------------|

#### *Appearances :*

|                            |    |                                        |
|----------------------------|----|----------------------------------------|
| Shri Sarat Chandra Nanda   | .. | For the First Party—Management himself |
| Shri Prafulla Kumar Behera | .. | For the Second Party—Workman himself   |

## 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 (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (for short 'the ID Act') have referred the following dispute for adjudication by this Court vide their Memo No. 4524-LESI., dated the 19th May 2015.

"Whether the action of the Management of Sports Hostel, Puri terminating the services of Shri Prafulla Kumar Behera with effect from the 10th July 2012 is legal and/or justified ? If not, what relief he is entitled to ?"

2. On close scrutiny of the case record, it is found that after receipt of the above dispute from the appropriate Government notice was issued to the workman for filing of his statement of claim through post vide this Office Letter No. 1126, dated the 25th August 2015, but the workman neither appeared nor filed his statement of claim. It is further found that the copy of the above reference was also issued to the second party workman by the Government in Labour & E.S.I. Department vide their Memo No. 4525, dated the 19th May 2015 with a direction to file a statement of claim complete with relevant documents, list of reliance and witnesses before this Court within 15 days of the receipt of the order of reference. However, the second party at a later stage appeared in this case, but he did not file his statement of claim so also rejoinder despite direction of this Court. But from the materials filed in this case on behalf of the management, it came to light that relating to the present issue in dispute the second party has also filed a Writ Petition vide WP(C) No. 16979 of 2014 before the Hon'ble Court and it has come to the notice from the Hon'ble High Court's website that the same is subjudice. So, it is clear that the second party on one common issue i.e., the present issue in question has filed two separate cases before two different forums which cannot be legally sustainable. Thereafter, registered notices were also issued to both the parties for their appearance in order to proceed with this case, but none of the parties turn up. Meanwhile, more than 08 years have already elapsed, but the second party has neither appeared nor filed his pleadings in this case. So, it can be presumed that the second party being the author of this case, is not interested to proceed with in this case as he has already filed a similar nature of case (as stated above) before the Hon'ble High Court. That apart, when a case is pending before the Hon'ble Court over the present matter, it is not wise to continue with the present case. Besides, the Hon'ble Court has been pleased to press hard for the early disposal of these year old cases till the year 2017 by the end of this December. Thus in absence of pleadings from the side of the workman and no evidence on record, it is not possible to answer the reference in any manner. Considering the above facts and circumstances this Court is constrained to pass a 'No Dispute Award' in the case. Accordingly, a 'No Dispute Award' is passed in so far as the present reference is concerned.

Dictated and corrected by me.

APARNA MOHAPATRA  
30-12-2023  
Presiding Officer  
Labour Court, Bhubaneswar

APARNA MOHAPATRA  
30-12-2023  
Presiding Officer  
Labour Court, Bhubaneswar

[No. 615—LESI-IR-ID-0002/2024-LESI]

By order of the Governor

NITIRANJAN SEN

Additional Secretary to Government