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LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 7th February 2024

S.R.O. No. 82/2024—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the award, dated the 20th November 2023 passed in the ID Case No. 04 of 2023 by the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the Managing Director, M/s Action Ispat & Power Pvt. Ltd., At Pandripathar, P.O. Marakuta, Dist. Jharsuguda and their workman Shri Rasmi Ranjan Mohapatra, S/o Shri Chakradhar Mohapatra, At Chandanpur, P.O. Choudakulat, Dist Kendrapara-754222, At present-Biswal Builders & Developers Ltd., Plot No. 3508, Palasuni, P.O. G.G.P. Colony, NH-5, in front of Palasuni Water Works, Bhubaneswar-751005, Dist. Khordha was referred to for adjudication is hereby published as in the schedule below :—

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER
LABOUR COURT, SAMBALPUR
INDUSTRIAL DISPUTE CASE No. 04 of 2023
Dated the 20th November 2023

Present :

Shri Raghu Nandan Das, LL.B.,
Presiding Officer,
Labour Court, Sambalpur.

Between :

The Managing Director,
M/s. Action Ispat & Power Pvt. Ltd.,
At Pandripathar, P.O. Marakuta,
Dist. Jharsuguda.

. . First Party—Management

Vrs.

Their workmen Shri Rasmi Ranjan Mohapatra,
S/o Shri Chakradhar Mohapatra,
At Chandanpur, P.O. Choudakulat,
Dist. Kendrapara-754222,
At present Biswal Builders & Developers Ltd.,
Plot No. 3508, Palasuni, P.O. G.G.P. Colony, NH-5,
Infront of Palasuni Water Works,
Bhubaneswar-751005, Dist. Khordha.

. . Second Party—Workmen

Appearances :

None	..	For the First Party—Management
None	..	For the Second Party—Workmen
Date of order	..	20-11-2023

AWARD

This case arises out of the reference under Section 12(5) read with Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of Odisha, Labour & E.S.I. Department vide order dated the 5th July 2014 communicated vide Memo No. 5335(5)/LESI, dated the 5th July 2014 addressed to the Hon'ble Presiding Officer, Industrial Tribunal, Bhubaneswar for adjudication of the dispute scheduled below:—

“Whether the action of the Management of M/s. Action Ispat and Power Pvt. Ltd., At Pandripathar, P.O. Marakuta, Dist. Jharsuguda in terminating of the services of Shri Rashmi Ranjan Mohapatra by way of striking off his name from the Muster Roll with effect from the 15th July 2013 is legal and/or justified ? If not, what, relief Shri Mohapatra is entitled to ?”

2. The case was instituted in the Court of the Hon'ble P.O., I.T., Bhubaneswar. Thereafter, the first party management moved to the Labour & E.S.I. Department to transfer this case from the Industrial Tribunal, Bhubaneswar to this Court on jurisdiction ground, which was allowed vide order dated the 25th November 2014. Being aggrieved by that order, the workman preferred W.P. (C) No. 23318/2014 before the Hon'ble High Court, which has already been disposed of. After disposal of such writ petition by the Hon'ble High Court, the Hon'ble P.O., IT., Bhubaneswar passed order on dated the 25th September 2023 transferring this case to this Court.

2.1 After receipt of the case record on dated the 29th September 2023, Notices were issued to both parties by this Court. However, the Notice issued to the workman by R.P. with A.D. returned with an endorsement of the postal employee that “left hence RTS”. Similarly, the Notice issued to the Management by R.P. with A.D. returned with an endorsement that “Plant has been closed since a long time. Hence, returned to sender”.

2.2 From the above it is found that the correct address of the workman is not available in the case record to issue Notice to him. Admittedly, in an I.D. Case of this nature, the workman is the victim and the aggrieved person who raises an Industrial Dispute against his employer for proper adjudication under the provisions of the I.D. Act, 1947. The case record further reveals that the present workman was not appearing before the Court of Hon'ble P.O., I.T., Bhubaneswar since long. It appears that the workman is not interested to proceed with the case. In such a situation, there is no necessity to keep pending this case, which will be a abuse of the process of the Court. Moreover, this case was originally instituted in the year 2014, though after receipt of the same by this Court, its number has been given of the year 2023.

2.3 In the above facts and circumstances of this case, this Court is of considered view to pass a “No Dispute Award” in respect of this case. Hence, this Court does here by pass a “No Dispute Award” so far as the present reference is concerned.

Dictated and corrected by me.

RAGHU NANDAN DAS
20-11-2023
Presiding Officer
Labour Court, Sambalpur

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20-11-2023
Presiding Officer
Labour Court, Sambalpur

[No. 1069—LESI-IR-ID-0198/2023-LESI.]

By order of the Governor
NITIRANJAN SEN
Additional Secretary to Government