

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.7653 of 2007

Sidheswar Naik

....

Petitioner

Mr. Basudev Pujari, Advocate

-versus-

Government of India and others

....

Opposite Parties

Mr. S. Mohanty, Advocate for Opposite Party No.3

CORAM:

THE CHIEF JUSTICE

JUSTICE R. K. PATTANAİK

ORDER

21.02.2022

Order No.

22.

1. The challenge in the present petition is to an order dated 17th July, 2005 in Industrial Dispute Case No.2 of 2003.

2. The case of the Petitioner, at whose instance the reference was made to the Labour Court, claimed that he was working as a Caddie in the Basundhara Golf Club (BGC) between 1st November, 1997 to 28th October, 2000. Aggrieved by the action of the Golf Club in terminating his services with effect from 28th October, 2000, he initiated a labour dispute, which was then referred to the Labour Court for adjudication.

3. Among the issues referred was one relating to the legality of the termination of the Petitioner's service. This was answered against the Petitioner-Workman by the Labour Court on the short ground that the BGC was a separate entity and that it had not been made a party to the dispute. The plea of the Petitioner that the BGC was under the management of the Mahanadi

Coalfields Ltd. (MCL) and therefore it was not necessary to make the BGC separately a party was not accepted by the Labour Court. The finding on fact was that in terms of the BGC's bylaws it was operating with a grant received from the Management of MCL but it was essentially running with the aid and contribution made by the officers of MCL who were its members. The finding of the Labour Court that "the business of the club is totally different from the activities of the Management and that is not being centrally managed by the Management" has not been able to be refuted by the Petitioner-Workman.

4. At this stage, a weak attempt is made by learned counsel for the Petitioner that he should be permitted to implead MCL as a party. The Court is unable to accept the above submission. This dispute began in the year 2000, more than 21 years ago, and has been pending in this Court for over 16 years now. During this entire period, the Petitioner has not thought it necessary to implead MCL as a party. The Court does not propose to permit him to do so at this stage.

5. On merits no material has been placed by the Petitioner to counter the case of the Opposite Parties that he was engaged by the BGC as a Caddie just for three months between July and September, 2000 on daily wage basis. The question therefore of granting him any substantial relief of regularisation on the basis of his academic qualification cannot obviously arise. The Labour Court has rightly observed that the Petitioner had never

even applied for a job in MCL so the question of giving any such direction did not arise.

6. Having heard learned counsel for the Petitioner, the Court is not satisfied that any ground has been made out for interference. The petition is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

M.Panda

