

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3607 of 2008

The Management of M/s. Baidyarajpur Petitioner
Kansa Pital Sahajog Samiti Limited

Mr. Dinabandhu Nayak, Advocate
-versus-

Sri Basudev Behera Opposite Party
None

CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK

Order No.

ORDER
23.02.2022

09. 1. The present petition challenges an award dated 14th September 2007 passed by the Labour Court, Bhubaneswar in Industrial Dispute Case No.2 of 1994 where the term of reference referred for adjudication was whether the dismissal by the Petitioner-Management of the Opposite Party-Workman (Clerk) with effect from 1st September 1979 was legal or justified. The Labour Court has in the impugned award held the dismissal to be illegal and has directed the Management to reinstate the Workman in service forthwith and also pay 25% of the last pay as back wages for every month since the date of retrenchment till the date of his reinstatement. Further, it has directed that if the Workman had reached the age of superannuation, the Management has to give a lump sum of Rs.65,000/-.
2. On 11th September 2013 i.e. more than five years after the writ petition was filed, it was noted by this Court that “since the Opposite Party-Workman has already attained the age of

superannuation in the meantime, learned counsel for the Petitioner-Management is directed to take instructions as to what amount can be paid to the Workman in full and final satisfaction of the award.” After that the matter came up for hearing on 8th March 2017 and was not listed thereafter.

3. Clearly the Management has not been able to come out with any figure for settlement of the dispute.

4. With the Workman having superannuated long ago and the amount required to be paid by the Management being just Rs.65,000/- and considering that the Workman had rendered services to the Management since 1974, the Court does not consider this to be a case fit for interference at this stage under Article 226 of the Constitution.

5. The writ petition is accordingly dismissed. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge