

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6106 of 2002

Orissa Forest Development Corporation Ltd., Berhampur ***Petitioner***

Mr. S.K. Patnaik, Senior Advocate

-versus-

Niranjan Nayak and others ***Opposite Parties***

Mr. Manoj Kumar Mohanty, Advocate

AND

OJC No.12538 of 1999

Niranjan Nayak and others ***Petitioners***

Mr. Manoj Kumar Mohanty, Advocate

-versus-

The Orissa Forest Development Corporation Ltd., and another ***Opposite Parties***

Mr. S.K. Patnaik, Senior Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK**

Order No.

**ORDER
08.03.2022**

09. 1. These petitions, one by the Management and the other by the Workmen, challenge an Award dated 26th August, 1999, passed by the Industrial Tribunal, Bhubaneswar (Tribunal) in Industrial Dispute Case No.20 of 1994.
2. The dispute that was referred to the Tribunal for adjudication was as under:

“Whether the retrenchment of S/Sri M. Nagaraju, Niranjan Nayak, M. Prasad Rao and Radhakanta Dora, Watchers by the Divisional Manager,

O.F.D.C. Ltd., Plantation Division (B)
Berhampur/Sub-Divisional Manager, O.F.D.C.,
Paralakhemundi Plantation sub-Division w.e.f.
6.1.93 is legal and/or justified? If not, what relief
the workmen are entitled?”

3. Evidence was laid both on behalf of the Workmen as well as the Management and five issues were framed by the Tribunal for determination.

4. Taking up issues 1, 2, 4 and 5 together and on a detail analysis of the evidence, the Tribunal came to the conclusion that the Management was not able to controvert the consistent picture that emerged from the evidence of the Workmen's witnesses that they had worked continuously for 240 days on the Plantation during a period of twelve months prior to their termination. It also emerged that there was no compliance with Section 25-F of the Industrial Disputes Act, 1947. Consequently, the Tribunal, on an appreciation of the evidence, ordered that they be paid a lumpsum compensation of Rs. 25,000 each with no reinstatement.

5. Having heard learned Senior Counsel for the Management and Mr. Mohanty, learned counsel for the Workmen, the Court is of the view that the conclusion reached by the Tribunal is a plausible one on the evidence laid by the parties and suffers from no perversity warranting interference by the Court.

6. As far as the relief portion is concerned, the Tribunal was of the view that with the long lapse of time and given the dire financial condition of the Management, this is not practical to order reinstatement according the compensation in view of reinstatement

in a lump sum of Rs. 25,000/- was ordered from each of the Workmen, wrongfully retrenched.

7. Mr. Mohanty, learned counsel for the Workmen, states that because of the pendency of these petitions, the Management has not even paid the aforementioned meagre sum of compensation to any of the Workmen.

8. In the circumstances, the aforementioned operative portion of the Award is modified by directing that the compensation of Rs.25,000/- to each of the Workmen will be paid by the Management together with simple interest @6% per annum from the date of the Award till the date of payment, which should not be later than 2nd May, 2022. If the LCR has been requisitioned, be immediately sent back to the Tribunal for further steps for enforcement of the Award as modified hereinbefore.

9. The writ petitions are disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

S. Behera