

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.720 of 2013

Chairman, Management Committee ***Petitioner***
(CFH Scheme), Paradip Port Trust,
Paradip

Mr. Gautam Misra, Senior Advocate
-versus-

The General Secretary, Utkal Port & ***Opposite Party***
Dock Workers' Union, Paradip Port,
Paradip

M/s. Sanjat Das, Advocate and associates

CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAİK

ORDER
18.07.2022

Order No.

04. 1. In the judgment dated 13th May 2022 in W.P.(C) No.20007 of 2013 (*M/s. Orissa Forest Development Corporation Limited v. Minati Behera*), this Court has followed the judgment of the Allahabad High Court in *I.C.I. India Ltd. v. Labour Court (IV) (1992) SCC OnLine All 311* declaring Section 36 (4) of the Industrial Disputes Act, 1947 as unconstitutional.
2. In that view of the matter, the impugned order dated 28th August 2012 passed by the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Tribunal) in I.D. Case No.6 of 2009 is hereby set aside. The said case will now be listed before the Tribunal on 22nd August 2022, being proceeded with further in accordance with law.

3. The writ petition is disposed of in the above terms. The interim order passed earlier in the present petition stands vacated.

4. Issue urgent certified copy of this order as per Rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Guin

