

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P. (C) No.3543 of 2012**

**Ramesh Kumar Pradhan** .... **Petitioner**  
M/s. J. Mishra and associates, Advocates  
-versus-  
**Management of President, M/s.** .... **Opposite Parties**  
**Roxa Service Co-operative Society**  
**Ltd., Boudh and another**  
None

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

**ORDER**  
**06.07.2022**

**Order No.**

06. 1. The Petitioner is aggrieved by an *ex parte* award of the Labour Court, Jeypore, Koraput dated 30<sup>th</sup> January, 2008 in Industrial Dispute Case No.15 of 2007.
2. In the present writ petition, despite service of notice none appears for the Management-Opposite Parties.
3. The Petitioner claimed that his retrenchment by the Management of M/s. Roxa Service Co-operative Society Ltd as Assistant Secretary-cum-Salesman by the order dated 10<sup>th</sup> June, 2002 with effect from 16<sup>th</sup> June, 2002 was illegal.
4. Learned counsel for the Petitioner submits that although the case was originally fixed on 31<sup>st</sup> January 2008, it appears that when the Management had filed its reply by post, which was received by the Labour Court on 11<sup>th</sup> January 2008, the hearing

was advanced to 29<sup>th</sup> January, 2008 without any intimation to the Petitioner. Therefore, he could not appear on 29<sup>th</sup> January, 2008. The very next day, the impugned award was passed *ex parte*.

5. No reply has been filed by the Management to contradict any of the above averments of the Petitioner.

6. Since it appears that the Petitioner was in fact not informed of the advancement of the date from 31<sup>st</sup> to 29<sup>th</sup> January 2008, he could not appear on that date for no fault of his.

7. On this short ground, the impugned award is set aside and the Industrial Dispute Case No.15 of 2007 is restored to the file of the Labour Court, Jeypore, Koraput to be proceeded with afresh in accordance with law. The said case will now be listed before the Labour Court on 22<sup>nd</sup> August 2022, on which date the Petitioner will remain present before the Court with a downloaded copy of this order. A copy of this order also be sent immediately by the Registry to the Labour Court, Jeypore.

8. The petition is disposed of in the above terms.

**(Dr. S. Muralidhar)**  
**Chief Justice**

**(R. K. Pattanaik)**  
**Judge**