

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18587 of 2008

***Managing Director, Orissa Lift
Irrigation Corporation Ltd.,
Bhubaneswar and another***

....

Petitioners

Mr. S. Padhy on behalf of
Mr. Satyabrata Mohanty-1 for Petitioners

-versus-

***Presiding Officer, Labour Court,
Jeypore, Koraput and others***

....

Opposite Parties

Mr. D.K. Sahoo, learned AGA for State

CORAM:

**THE CHIEF JUSTICE
JUSTICE A.K. MOHAPATRA**

Order No.

**ORDER
03.03.2022**

04. 1. The matter is taken up through hybrid arrangement (virtual /physical mode).
2. Heard learned counsel for the Parties.
3. The present petition has been filed challenging the award dated 20th March, 2008, passed by the Presiding Officer, Labour Court, Jeypore in Industrial Dispute Misc. Case No.58 of 2007.
4. By the impugned order, the Labour Court has allowed the application filed by the Opposite Party No.2, the wife of the deceased employee of the Petitioner, for realization of arrears on the basis of a revised pay scale with effect from 1996.
5. Resisting the above application under Section 23(C)(2) of the Industrial Disputes Act, 1947 (in short 'the I.D. Act'), the present

Petitioners had filed a reply contending that under the Voluntary Retirement Scheme (VRS), the deceased employee had already been paid his entire dues and this took into account the possibility of pay scale revisions in future.

6. As it transpires from the impugned Award, the present Petitioners who were Opposite Parties before the Labour Court chose not participate in the proceedings. Therefore, the impugned order was passed ex parte. There is no reasonable explanation offered by the present Petitioners for remaining absent in the Labour Court. In the circumstances, the impugned order which proceeded on the basis of the genuineness of the claim of Opposite Party No.2 herein cannot be faulted.

7. It is then contended by Mr. Padhy, learned counsel for the Petitioners that the impugned order might constitute precedent as the other employees who received VRS might raise similar claims. It is clarified that the impugned order would not constitute a precedent as each case has to be considered on its own merits. Accordingly, the Court is not inclined to interfere in the impugned order of the Labour Court.

8. The writ petition thus stands dismissed.

(Dr. S. Muralidhar)
Chief Justice

(A.K. Mohapatra)
Judge