

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31646 of 2011

Ms. Mitanjelin, Ex. Data Entry Operator, Cuttack, Central Cooperative Bank Ltd. ***Petitioner***

Mr. L. Samantaray, Advocate

-versus-

Presiding Officer, Industrial Tribunal, Bhubaneswar & another ***Opp. Parties***

Mr. D. Mohanta, Advocate

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

**ORDER
04.04.2022**

Order No.

07.

1. The challenge in the present petition is to an Award dated 16th July, 2011 passed by the Industrial Tribunal, Bhubaneswar in Industrial Dispute Case No.24 of 2010. The dispute referred to the Tribunal for adjudication was as under:

“Whether the termination of services of Mitanjellin, Ex-Data Entry Operator by the Management of M/s. Cuttack Central Coop. Bank Ltd., Nimchouri, Cuttack with effect from 01/11/2007 is legal and/or justified? If not what relief she is entitled to?”

2. On behalf of the Petitioner, two witnesses were examined i.e. W.W.1 who was the Petitioner herself and W.W. 2 who was an Assistant Manager of the Opposite Party Bank. On

behalf of the Bank, one witness was examined. The Petitioner exhibited 9 documents whereas the Bank did not exhibit any document.

3. In order to prove that she has been engaged as Data Entry Operator by the Bank, Petitioner produced the statement made by W.W.2 who was an Assistant Manager in the Bank. However, the Tribunal found that the statement was not addressed to anyone in particular and it was issued after the employment of the Petitioner with the Bank had ceased. The other documents produced by the Petitioner showed that she was made to work in different branches of the Bank but did not clearly reveal that she had been engaged by the Bank itself. One of the documents was a note prepared by the Systems Analyst which mentioned that the Petitioner and three others had rendered services in the computerization of the Bank for which the Bank had gone in for outsourcing. It mentioned that "four persons" including the Petitioner were allowed to render "services as outsider personnel." The Tribunal therefore, concluded that the Petitioner was an Data Entry Operator to whom the work had been outsourced and was not an employee of the Bank.

4. Having heard learned counsel for the parties, the Court is not satisfied that any error has been committed by the Tribunal in the appreciation of the evidence or in the

conclusion reached. There is no merit in the present petition and it is dismissed as such.

(Dr. S. Muralidhar)
Chief Justice

(R.K.Pattanaik)
Judge

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