

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 32051 of 2011

Kailash Chandra Swain

....

Petitioner

Mr. S.K. Dwivedy, Advocate

-versus-

State of Odisha and Others

....

Opposite Parties

Mr. Debakanta Mohanty, Addl. Govt. Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K. PATTANAİK

Order No.

ORDER
17.03.2023

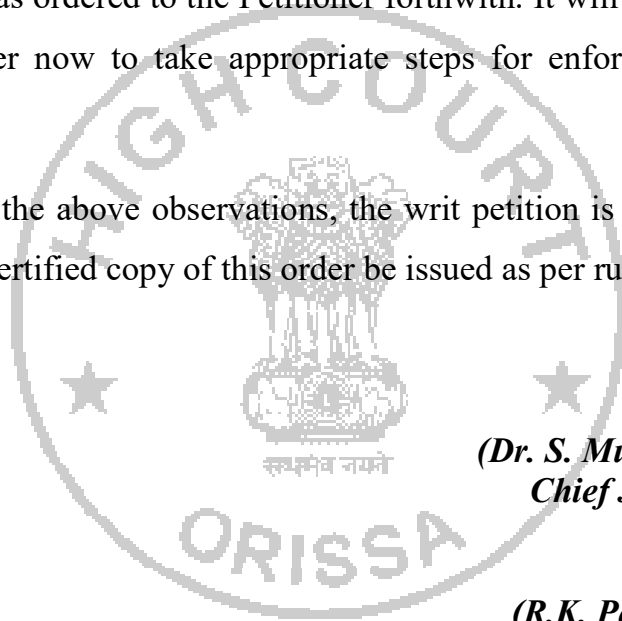
06. 1. The writ petition is restored to file in view of the order passed today in CMAPL No.188 of 2023.
2. The challenge in the present writ petition is to an Award dated 22nd July, 2011 passed by the Labour Court, Bhubaneswar in Industrial Dispute Case No.18 of 2009. The following dispute was referred to the Labour Court for its decision:
- “Whether the action of the management M/s. Toshali Sands, Puri Konark Marine Drive Road, Puri by terminating services of Sri Kailash Chandra Swain, Ex-Waiter with effect from 27.1.2006 is legal or justified? If not, what relief Sri Swain is entitled to?
3. The Labour Court has in the impugned Award found that the termination of services of the workman with effect from 27th January, 2006 was “neither legal nor justified”. However, in lieu of reinstatement, the Labour Court held that he is entitled to get a lumpsum of Rs.75,000/- as compensation and back wages and that it should be paid within one month from the date of publication of

Award, failing which it will carry interest @ 9% per annum till the realization. The present petition by the workman was only against that part of the Award that did not order reinstatement.

4. Considering the time at which the Award was made and the terms of payment, the Court does not consider the impugned Award to be unreasonable. The Award is accordingly affirmed.

5. The effect of the present order would be that the amount ordered to be paid by the Labour Court will be disbursed together with interest as ordered to the Petitioner forthwith. It will be open to the Petitioner now to take appropriate steps for enforcement of the Award.

6. With the above observations, the writ petition is dismissed. An urgent certified copy of this order be issued as per rules.



(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Jena/Secy.