

IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.509 of 2013

Sri Jadumani Mallick

....

Appellant

M/s. M. K. Pati and associates, Advocates

-versus-

***Presiding Officer, Labour Court, ...
Sambalpur and another***

Respondents

Additional Government Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

07.09.2022

Order No.

Misc. Case. No.43 of 2014

06. 1. For the reasons stated, the delay in filing the appeal is condoned.
The Misc. Case. is allowed.

WA No.509 of 2013

2. The challenge by the Workman in the present appeal is to an order dated 26th April, 2013 passed by the learned Single Judge disposing of W.P.(C) No.13580 of 2007 filed by the Management challenging an award dated 29th August 2007, passed by the Presiding Officer, Labour Court, Sambalpur in I.D. Case No.4 of 2005, by which the present Respondent -Management was directed to reinstate the Appellant-Workman in service with 50% back wages.

3. By the impugned order, the learned Single Judge has taken note of the fact that the post in question i.e., Assistant Secretary had been decided to be abolished by the Management at its General Body meeting and that since this fact had not been taken into

consideration, the learned Single Judge considered it appropriate to direct that in lieu of reinstatement, the Appellant should be paid a lump sum compensation of Rs.60,000/- .

4. Learned counsel for the Appellant seeks to state that the Management has filled up the vacant post of Assistant Secretary after the judgment passed by the learned Single Judge pursuant to an advertisement issued for that purpose. Learned counsel for the Appellant points out that even after the judgment of the learned Single Judge, a resolution was passed by the Management appointing an Assistant Secretary and therefore, the ground that said post had been abolished is factually incorrect.

5. If that be so, it will be open to the Appellant to approach the learned Single Judge for review of the impugned order since this is a fact that has come to notice after the judgment of the learned Single Judge.

6. Permitting the Appellant to file a review petition along with an application for condonation of delay explaining the delay on account of the pendency of the writ appeal, the appeal is disposed of.

7. Issue urgent certified copy of this order as per rules.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge