

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25167 of 2013

The Management of Nalanda Sales Petitioner
Corporation, Cuttack

Mr. S.K.Das, Advocate

-versus-

Presiding Officer Labour Court & Opposite Parties
Another

Mr.D.K.Mohanty, AGA

CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK

ORDER
18.07.2022

Order No.

07.

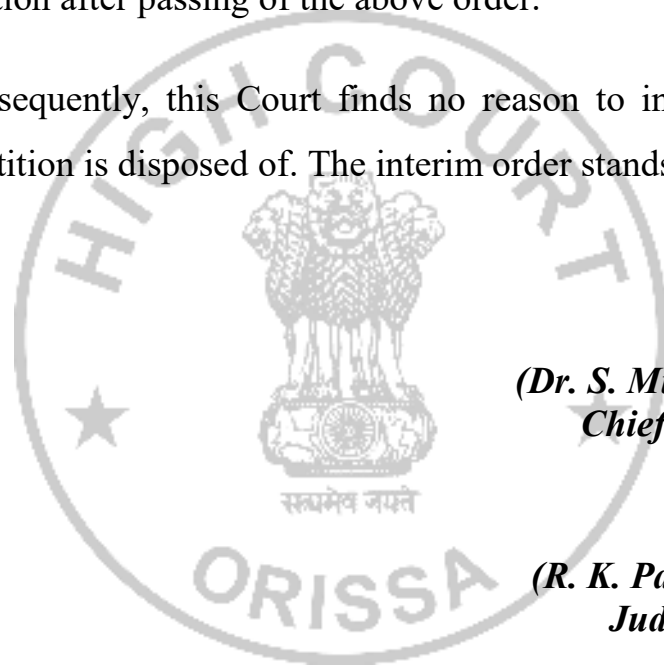
1. The challenge by the management in the present petition is to an order dated 19th May, 2012 passed by the Labour court, Bhubaneswar in Industrial Dispute Case No. 29 of 2003 and the subsequent order dated 17th June, 2013 passed by the same Court dismissing an application filed by the Management for setting aside the ex-parte Award dated 19th May, 2012.

2. It appears that management was set ex parte on 16th March, 2012 itself because despite several opportunities none had appeared on its behalf. On 19th May, 2012 the ex parte Award came to be passed. It was published on 4th August, 2012. After waiting for more than 30 days after its publication, the restoration application was filed on 18th September, 2012.

3. The Labour Court has rightly noted that after the publication of the Award, the Labour Court became functus officio. Moreover,

sufficient reasons were not provided by the management for not appearing before the Labour Court on 16th March, 2012 and then waiting till 18th September, 2012 to file the restoration application. The only reason given was that its counsel had not 'cooperated'. The above explanation was rightly rejected by the Labour Court. This Court is also not satisfied that any valid justification has been provided by the management for not appearing before the Labour court on the date fixed and for the delay in approaching it for restoration after passing of the above order.

4. Consequently, this Court finds no reason to interfere and the writ petition is disposed of. The interim order stands vacated.



(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge