

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 3665 of 2008 and W.P.(C) No.25678 of 2012

W.P.(C) No.3665 of 2008

Orissa Water Supply and Sewerage Board and Another

Petitioners

Mr. S.N. Das, Addl. Standing Counsel

-versus-

Presiding Officer, Labour Court, Jeypore and another ...

Opposite Parties

Mr. S.K. Das, Advocate

W.P.(C) No.25678 of 2012

Bijay Kumar Mishra

Petitioner

Mr. S.K. Das, Advocate

-versus-

Project Engineer, OWSSB, Cuttack and another ...

Opposite Parties

Mr. S.N. Das, Addl. Standing Counsel

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K. PATTANAİK

ORDER

02.05.2022

Order No.

06. 1. Both these petitions, one by the Orissa Water Supply and Sewerage Board (OWSSB) ('Management') and other by Workman are directed against the same impugned Award dated 6th September, 2007 passed by the Labour Court, Jeypore, Koraput in Industrial Dispute Case No.3 of 2006.
2. The dispute referred to the Labour Court for adjudication was as under:

“Whether the termination of services of Sri Bijay Kumar Mishra, Ex-DLR light vehicle Driver by the Management, Project Management Unit Orissa Water Supply and Sewerage Board, Jeypore w.e.f. 04.05.2001 is legal and/or justified? If not what relief is he entitled to?

3. The case of the workman was that he was a regular workman, whose services were terminated on a false charge of misconduct without compliance with the principles of natural justice. The case of the Management on the other hand was that the workman was engaged as a Daily Wager and it was “scheme based”; with the scheme having come to an end, the services of the workman were dispensed with.

4. Two questions arose before the Labour Court: (i) whether the OWSSB i.e. the Management was in fact, an industry with the meaning of the Industrial Disputes Act, 1947 (ID Act)? And (ii) whether the termination of the Workman’s services was valid?

5. Question (i) was answered against the Management. As regards the validity of the termination of the workman services, it was held that since it was not preceded by a fair enquiry, the termination of service was bad. However, the only relief granted was payment of a lumpsum compensation of Rs.50,000/- to the workman.

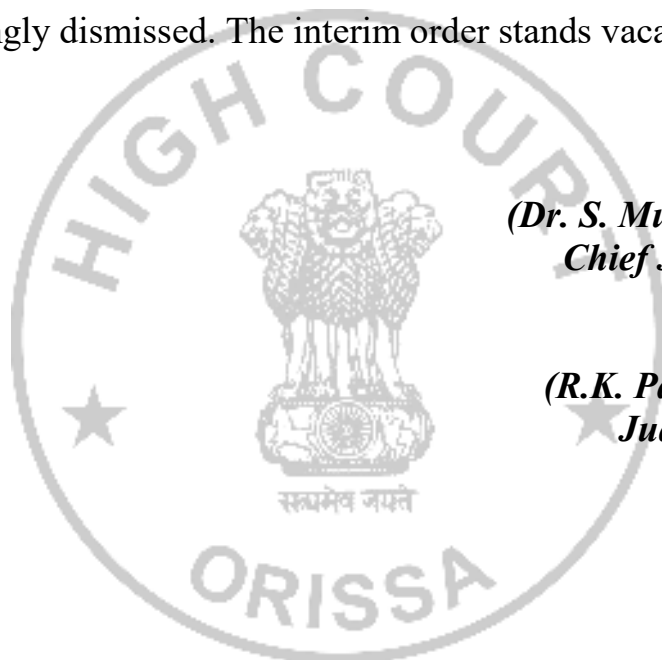
6. On the part of the workman he was not able to establish that he was regularly employed and, therefore, that part of the impugned Award declining his reinstatement in service does not call for interference. As regards the violation of the principles of natural

justice again the Management cannot have any grievance since in fact no inquiry was held before the termination of services.

7. As regards OWSSB being held to be an industry within the meaning of the ID Act, again there is no error committed by the Labour Court.

8. Having heard learned counsel for the parties, and having examined carefully the impugned Award of the Labour Court the Court finds no reason to interfere. Both writ petitions are accordingly dismissed. The interim order stands vacated.

S.K. Jena/Secy.



(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge