

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C). No.19688 of 2009

Ex-Board of Director

Petitioner
....
Mr. G.M.Rath, Advocate

-versus-

Trilochan Samal & Others

Opp. Parties
....
Mr. A.Mishra, Advocate for O.P.No.20

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

Order No.

**ORDER
17.05.2022**

04.

1. It is stated that the Opposite Party No.20 has expired in the meantime. Accordingly, this writ petition so far as the Opposite Party No.20 is concerned stands dismissed.

2. The present petition is directed against an order dated 9th March, 2009 passed by the Labour Court, Bhubaneswar in I.D. Misc. Case No.23 of 2003. The Petitioners before the Labour Court claimed to be employees of M/s. Haulage (India) Limited, Bhubaneswar of which the present Petitioner is a former Director. They raised an industrial dispute and the matter was referred to the Industrial Tribunal, Bhubaneswar in I.D. Misc. Case No.22/1995 to 40/1995. A common award dated 16th November, 1999 was passed in those cases with a direction to the Company to reinstate the workmen with full back wages.

3. On account of non-implementation of the said award, the aforementioned application was filed under Section 33-A of the Industrial Disputes Act, 1947 ('Act'). In the proceedings from which the impugned order emanates, all the Opposite Parties including the present Petitioner were set ex-parte. Thereafter, an application was filed for recalling the said order. This application was allowed on 4th September, 2007.

4. After a full-fledged hearing and consideration of the evidence on record, a direction was issued by the Labour Court to Opposite Party Nos. 1,3 & 4 in the said writ petition (the present Petitioner was Opposite Party No.3) to calculate the wages of the applicants for the period from 6th November, 1995 to 16th November, 1999 and to pay the said amount within two months from that date failing which simple interest at 6% per annum would be paid on the principal sum for the period of delay.

5. The main contesting party as far as the present petition is concerned is the complainant before the Labour Court who is arrayed here as Opposite Party No.1. Despite service of notice, none has appeared on his behalf.

6. The plea of the Petitioner is that he submitted his resignation as Director of the company on 22nd June, 1995 whereas the notice of the termination was sent to the employees on 6th November, 1995.

7. The above factual assertion of the Petitioner has not been opposed by any of the Opposite Parties till date. Therefore,

on the above limited ground, it is held directed that the impugned order will not operate as far as the present Petitioner is concerned. In other words, he would not be made liable under the impugned order. With this direction, the writ petition is disposed of and the interim order is vacated.

(Dr. S. Muralidhar)
Chief Justice

(R.K.Pattanaik)
Judge



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