

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.23235 of 2013

Bijay Kumar Mohanta

....

Petitioner

Mr. B. Pr. Tripathy, Advocate

-versus-

Presiding Officer, Central Government

....

Opposite Parties

Industrial Tribunal-cum-Labour Court

and others

Mr. Ishwar Mohanty, ASC

CORAM:

THE CHIEF JUSTICE

JUSTICE R. K. PATTANAİK

ORDER

18.07.2022

Order No.

03.

1. The Petitioner is aggrieved by an order dated 15th July, 2013 passed by the Labour Court, Bhubaneswar declining to recall a 'no dispute award' passed by it on 2nd January, 2013 in Industrial Dispute Case No.50 of 2012.

2. Relying on the judgment of *Grindlays Bank Ltd. v. Central Government Industrial Tribunal AIR 1981 SC 686*, learned counsel for the Petitioner argues that Labour Court should not have rejected the recall petition on the ground that an Award has already been gazetted by the State Government.

3. It is seen that the 'no dispute award' was passed by the Labour Court on 2nd January, 2013 in the absence of both the Workman as well as the Management. The case was fixed for filing of the statement of claim by the Workman. Before the above date, two registered notices were sent to him on 27th September, 2012 and 6th December, 2012. Accordingly the Labour Court concluded that

‘the second party Workman is not interested to proceed with the case any further.’ The Labour Court surmised whether the dispute had been settled between the parties.

4. Assuming this Court accepts the plea of the counsel for the Workman that the recall application ought to have been considered on merits by the Labour Court, still the Workman has to show sufficient cause for not appearing before the Labour Court on the date fixed in the first instance. More importantly, the Workman has to satisfy the Court why despite being sent two registered notices, he did not file a statement of claim. The only response this Court has received from counsel for the Workman is that ‘due to some inconvenience’ the Workman could not appear in the Labour Court. This explanation is wholly unconvincing and unsatisfactory. It would be a futile exercise, in the face of such explanation, to ask the Labour Court to reconsider the recall application. Consequently, the Court finds no error committed by the Labour Court in rejecting the recall application and in passing the no dispute award.

5. The writ petition is accordingly, dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge