

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27952 of 2013

Sri Mrutyunjaya Sabat

..... Petitioner
Mr. B. Baral, Advocate

-versus-

***The Presiding Officer, Industrial
Tribunal, Bhubaneswar and
another***

..... Opp. Parties

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

**ORDER
20.07.2022**

Order No.

04.

1. The workman has filed the present petition aggrieved by an award dated 19th March, 2010 to the extent that the Petitioner has been denied reinstatement but has been given compensation of Rs.50,000/-.

2. The dispute referred to the Labour Court for adjudication was as under:

“Whether the action of the management of M/s.Indo Maxwell Ltd., Bhubaneswar in terminating the services of Sri Mrutyunjay Sabat, Skilled Operator w.e.f. 28.12.94 is legal and/or justified? If not, what relief Sri Sabat is entitled to?”

3. It transpired that the said company Indo Maxwell Ltd. was acquired by M/s. KIIT Ltd. and the terms of agreement, as noted by the Labour Court, did not require takeover of the existing workmen of Indo Maxwell Ltd. by KIIT Ltd. Consequently, the Labour Court came to the conclusion that there was no employer

and employee relationship between the new management and the workman.

4. It was held that the KIIT was nevertheless required to compensate the workman for the inaction of the erstwhile management and in those circumstances, the compensation of Rs.50,000/- was awarded in favour of the workman.

5. Having heard learned counsel for the Petitioner, the Court is not satisfied that any ground has been made out for interference.

6. The Petitioner then contends that the amount awarded is meager. It is seen that he worked in Indo Maxwell Ltd. as Junior Operative Trainee from 29.11.1991 till 28.12.1994 which is around three years. In the circumstances, the Court is of the view that the compensation amount cannot be said to be unreasonably low. There is no merit in the present petition and it is dismissed as such.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge