

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 114 of 2013

***The Management of Sanjay Memorial* *Appellant*
*Institute of Technology, Ganjam***

Mr. S.S. Rao, Advocate

-versus-

***Rajendra Behera and others* *Respondents*
None**

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

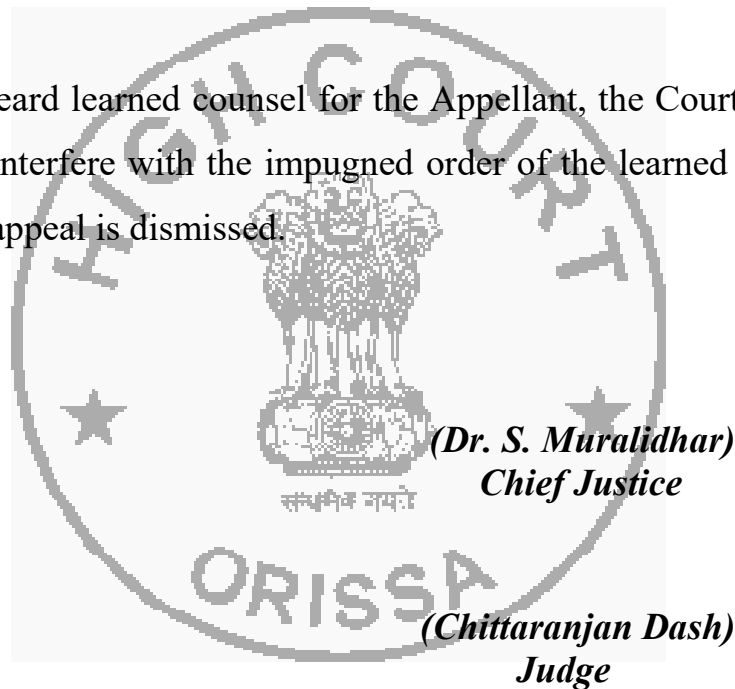
**ORDER
06.09.2022**

Order No.

02. 1. The challenge in the present writ appeal is to an order dated 22nd April 2013, passed by the learned Single Judge in Misc. Case No.511 of 2007 arising out of O.J.C. No.2424 of 1999. By the impugned order, the application made by the Appellant-Management for clarification of the earlier order dated 25th February 1999, passed at the time of the admission of the writ petition, was rejected.
2. According to the Management, sufficient material was placed before the learned Single Judge to show that the Respondent-Workman was gainfully employed and therefore, was not entitled to wages under Section-17(B) of the Industrial Disputes Act, 1947 (ID Act).

3. From the impugned order of the learned Single Judge, it appears that before the learned Single Judge, the present Appellant did not state that upon enquiry they had come to the conclusion that Opposite Party Nos. 3 and 4 were gainfully employed. The documents produced were prior to the order passed by the Court on 20th April, 1999. Consequently, the learned Single Judge was justified in declining to modify the earlier order dated 25th February, 1999 requiring the Petitioner to pay the 17-B wages to the worker.

4. Having heard learned counsel for the Appellant, the Court is not inclined to interfere with the impugned order of the learned Single Judge. The appeal is dismissed.



S. Behera