

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C). No.27127 of 2011

The Management of M/s. Lingaraj Biscuits(Pvt.)Ltd. Petitioner

Mr. S.K.Dey, Advocate

-versus-

Presiding Officer & others Opp. Parties
Mr.A.P.Das, ASC

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

Order No.

**ORDER
25.04.2022**

05.

1.The challenge in the present petition is to an Award dated 23rd September, 2010 passed by the Labour Court, Bhubaneswar in Industrial Dispute Case No. 51 of 2007. The dispute referred to the Labour Court for adjudication was as under:

“Whether the action of the management of M/s.Lingaraj Biscuits Pvt.) Ltd., Bhubaneswar in terminating the services of Sri Mrutunjay Sabat, workman with effect from 11.06.2006 is legal and/or justified? If not what relief the workman Sri Sabat is entitled to?”

2. The workmen produced a copy of the letter dated 25th May, 2005 (Exhibit-1) issued by the Petitioner informing the workman that he has been selected in an interview held for the post of Assistant Electrical In charge-cum-Supervisor. He was asked to join positively on or before 1st June, 2005.

While the management did not dispute the authenticity of the said letter, it sought to contain that the workman did not join pursuant to that letter but joined later on 1st February, 2006. However, there was no appointment order as such produced by the management which required the workman to join duty on 1st February, 2006.

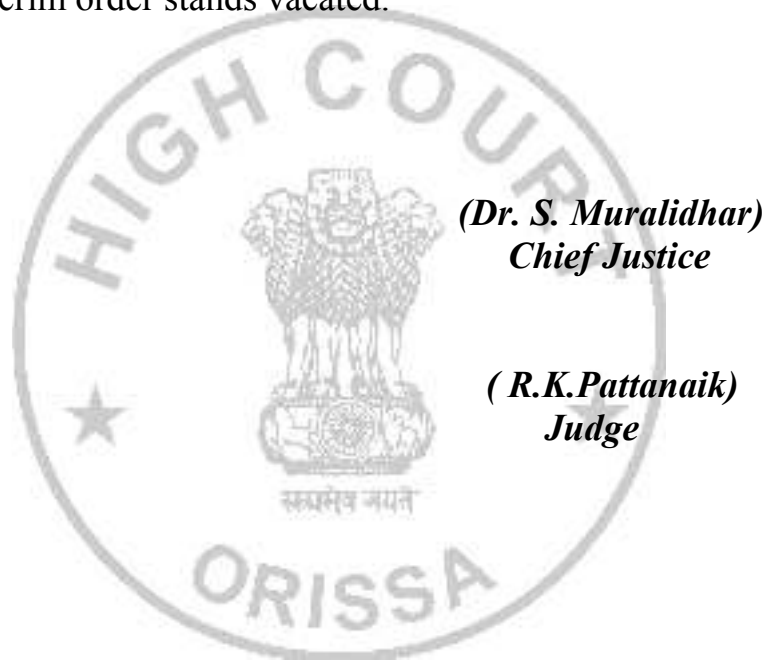
3. The documents produced by the management were photocopies of the Muster Roll for the months January, 2006 to July, 2006 which apparently did not have the name of the workman. From the point of view of the workman however, was able to produce the gate passes to show that he had been attending work from 1st October, 2005 till 14th January, 2006. This negated the case of the management. The Labour Court was left with no option but to disbelieve the case put forth by the management because of the documents produced by it not supporting its case on facts.

4. The Court is unable to find fault with the Labour Court for having come to the conclusion that the workman indeed had worked continuously for 240 days in the 12 calendar months preceding the date of his termination and that since there was indisputably a violation of Section 25-F of the Industrial Disputes Act, 1947 the workman was entitled to reinstatement.

5. In the present case, despite service none has appeared for the workman. It is not even known whether he is past the age of superannuation. The only other relief granted is that has

been given a compensation of Rs. 20,000/-. Since this Court while issuing notice in the present petition on 28th July, 2014 stayed the Award passed by the Labour Court, there was no scope for the workman to have the benefit of the award. He also does not appear to have applied for wages under Section 17 B of the Industrial Disputes Act, 1947.

6. Consequently, the Court is not persuaded to interfere with the impugned Award. The writ petition is dismissed and the interim order stands vacated.



Kabita