

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C). No.29355 of 2011

NTPC Ltd.

....

Petitioner

Mr. Sandip Rath, Advocate

-versus-

Govt. of India & another

....

Opp. Parties

Mr.P.K.Parhi, ASGI
and Mr. D.R.Bhokta, Advocate

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

Order No.

**ORDER
05.04.2022**

09.

1. Despite completion of service on Opposite Party No.4, none appears.

2. The challenge is the present petition is to an order passed on 19th September, 2011 by the Ministry of Labour, Government of India referring to the following dispute to the Industrial Tribunal for adjudication:

“Whether the action of the Management of NTPC/TSTPS, Kaniha, in not sending the bio-data as a prerequisite for attending interview in case of Shri Kalakar Behera for the post of Artisan Trainee(Electrical) against regular post as a part of rehabilitation and resettlement measure in the regular selection process, is legal and justified? What relief the workman is entitled to?”

3. The contention of learned counsel for the Petitioner is that the above reference itself as defective since the person in question was not found to be a land outstee in the first place and therefore, not entitled to any rehabilitation assistance at all. Attention of the Court is drawn to letter dated 26th May, 2010 issued by the Additional District Magistrate, Angul wherein it is stated that on verification of the cases of seventeen defective nominees for the rehabilitation assistance, five such cases including that of the present Opposite Party No.4 were found to be defective.

4. Since there is no counter affidavit by Opposite Party No.4 disputing the above contention, the Court proceeds on the basis that the above factual position is correct. If indeed, Opposite Party No.4 was not even entitled to a job by way of rehabilitation assistance since he was not a land outstee, the question of referring a dispute concerning the failure of the management to send his bio-data for attending an interview for the post of Artisan Trainee (Electrical) as a regular post did not arise.

5. In that view of the matter, the impugned order dated 19th September, 2011 issued by Opposite Party No.2 referring the aforementioned dispute for adjudication is hereby set aside.

6. The writ petition is allowed in the above terms. No order as to costs.

7. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K.Pattanaik)
Judge

Kabita

