

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7048 of 2011

Basanta Kumar Jha

.... ***Petitioner***
Mr. S.K. Das, Advocate

-versus-

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

.... ***Opp. Parties***

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

ORDER

11.05.2022

Order No.

08.

1. The management has filed the present petition challenging an award dated 17th September, 2010 passed by the Industrial Tribunal, Bhubaneswar in Industrial Dispute Case No.76 of 2008.

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

“Whether the termination of services of Sri Purna Chandra Nayak (2) S.K. Alluddin (3) R.C. Samantaray (4) M.K. Bai (5) B. Rana (6) Rahim Khan (7) P.C. Paramanik and (8) D. Behera, Pick up Delivery Clerks w.e.f. 17.11.93 by the management of First Flight Couriers Pvt. Ltd., Sahidnagar, Bhubaneswar is legal and/or justified/ If not, to what relief these workers are entitled?”

3. The Tribunal has in the impugned award granted the Opposite Parties Workmen only the relief of compensation and

neither reinstatement nor back wages. Four of the workmen have been held entitled to compensation of Rs.40,000/-, one of them to Rs.30,000/- and four others to Rs.20,000/- each.

4. Even these amounts have not been disbursed because while directing notice to issue to the present petition on 31st March, 2011, the operation of the award was stayed.

5. Having heard the learned counsel for the Petitioner, the Court is not satisfied that any case is made out for interference with the impugned award of the Tribunal. It is seen from the impugned award that the management failed to adduce any reliable evidence in respect of the contention that three of the workmen had voluntarily resigned and settled their differences with the management. Even the documents relied upon by the management, though filed, were not duly exhibited. The inevitable conclusion was that the services of the workmen had been terminated with effect from 17th November, 1993 without adhering to the statutory requirements.

6. The compensation amount so awarded to the workmen is also consistent with the number of years of service put in by each of them. Even the management's plea that they were all casual and unskilled workers was not able to be substantiated by it. Keeping in view the absence of any evidence to support its case, the limited compensation given to the workmen cannot be said to be illegal or arbitrary. There are no grounds

made out for interference in the impugned award of the Tribunal.

7. The writ petition is accordingly dismissed. The interim order passed earlier stands vacated.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge



KC Bisoi