

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 15939 of 2011

***The Director, Text Book
Production and Marketing,
Bhubaneswar***

....

Petitioner

Mr. B.A.Prusty, Sr.Standing Counsel

-versus-

Smt. Parbati Ojha

....

Opp. Party

Mr. Ajay Ku.Roy, Advocate

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

Order No.

**ORDER
04.04.2022**

07.

1. The challenge in the present petition is to an Award dated 31st July, 2010 passed by the Labour Court, Bhubaneswar in Industrial Dispute Case No. 27 of 2004. The dispute referred to the Labour Court for adjudication was as under:

“Whether the action of the Director, Text Book Production and marketing, Satyanagar, Bhubaneswar in terminating the service of Smt. Parbati Ojha, Daily Wager (Binding Section) with effect from 19.04.2001 is legal and/or justified? If not, what relief is Smt. Ojha entitled to?”

2. The Labour court has while answering the issues and examining the evidence come to the conclusion that Section 25-F of the Industrial Disputes Act, 1947 (I.D.Act) stood violated since the Opposite Party worker ‘seemed to have completed 240 days of continuous of service in 12 calendar months preceding the date of her termination’.

3. Even the learned counsel for the Opposite Party worker has unable to point out what documents were placed on record before the labour court in support of the plea of the worker had worked continuously for 240 days in the calendar year preceding her termination. The most critical finding in the Award is, therefore, based on surmises and conjectures and not on evidence. Consequently, the impugned Award is unsustainable in law and is hereby set aside.

4. The writ petition is allowed in above terms.

