

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C). No.26884 of 2011

Orissa State Co-operative, Petitioners
Marketing Federation & Others

Mr. S.C.Panda-1, Advocate

-versus-

Government of Orissa & another Opp. Parties
Mr. A.P.Das, ASC

CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAIK

Order No.

ORDER
09.05.2022

05. 1. The challenge by the Management is to an award dated 27th January, 2020 by the Labour Court, Sambalpur in I.D. Case No. 44 of 2003. By the impugned award, the Labour Court held the retrenchment of the workman to be illegal and directed his reinstatement with full back wages.
2. The dispute referred to the Labour Court for adjudication was as under:

“Whether the retrenchment of Sri Krushna Bala Sahu with effect from 30.04.2001 by the management of MARKFED, Orissa is legal and/or justified? If not to what relief Sri Sahu is entitled?”

3. The Opposite Party No.2-Workman was appointed as Assistant Operator (N.M.R.) at the Solvent Extraction Plant of the Management at Bargarh with effect from 2nd March, 1989 as a permanent workman. He was engaged as Assistant

Operator with effect from 26th June, 1997. While he was working on the monthly consolidated salary of Rs.1200/- he was on 28th April, 2001 served a letter of retrenchment by the management.

4. The contention of the workman was that without preparing any seniority list he had been served a retrenchment notice under Section 25-F of the Industrial Disputes Act, 1947 ('Act') without following the requirements specified therein. The Labour Court while analyzing the evidence came to the conclusion that the workman had been regularly appointed as a plant helper initially. The Labour Court further found that the seniority list never been prepared and the persons junior to the Petitioner had been retained in service.

5. Admittedly, the workman was working in the management in different units for 11 years and at no point was there any complaint against him. It was found by the Labour Court that the mandatory three months' notice had not been served on the workman nor was prior sanction of the Government taken. None of the formalities required to be complied with prior to termination of his service were in fact complied with.

6. These being factual findings, and not having been shown to be perverse by the counsel for the Petitioner, Court is not inclined to interfere with the impugned award of the Labour Court.

7. It may be noticed here that at no stage of the present proceedings was there any stay granted of the impugned award of the Labour Court. Counsel for the Petitioner is not

in a position to inform the Court whether the award has in fact being implemented.

8. In any event, with no case has been made out for interference, the writ petition is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R.K.Pattanaik)
Judge

