

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14246 of 2022

***Shree Balaram Sahoo and Petitioners
others***

Mr. P.K. Das, Advocate

-versus-

State of Odisha & others Opp. Parties

*Mr. S.K. Mohapatra,
Addl. Government Advocate*

**CORAM:
JUSTICE S.K. SAHOO
JUSTICE MURAHARI SRI RAMAN**

**ORDER
07.06.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioners and learned Addl. Government Advocate for the State.

This Writ Petition has been filed with the following prayer:

"The petitioners, therefore, most respectfully pray that the Hon'ble Court may be kind and gracious enough to admit this writ application and issue 'Rule Nishi' calling upon the opposite parties to show cause and if the opposite parties fail to show cause or show insufficient cause then make the rule absolute;

And be pleased to quash/set aside the

Bipartite Settlement dated 12.08.2020 under Annexure-4;

And direct the O.P. No.4- Management to lift the lockout and implement the Award dt.30.12.2015 in I.D. Case No.51 of 2013 passed by the learned Presiding Officer, Industrial Tribunal, Bhubaneswar under Annexure-3;

And/or be pleased to direct the opposite parties nos.1, 2 and 3 to consider and take action and initiate conciliation proceeding under section 12 of the Industrial Disputes Act, 1947 and Orissa Rules-13 framed therein on the industrial dispute, "Whether the bipartite settlement signed between two officers of the opposite party no.4-Company and opposite parties nos.6 to 10- five retired workmen claiming office bearers of the Employees' Union on 12.08.2020 is pro-workmen, legal, valid and justified? If not, what relief the employees are entitled for?"

And to declare the Bond Agreement Affidavit signing drive of the opposite party no.4 and their agents under Annexure-6 series as null and void.

And be pleased to pass any other order/orders as deem fit and proper in the present facts and circumstances.

And for which act of your kindness, the petitioners as in duty bound shall ever pray."

Learned counsel for the petitioners drew attention of this Court to Annexure-5 series, which is a representation, highlighting the stand taken by the petitioners in the writ petition. It is stated that such representation has been made on 11.04.2022 and it has not yet been considered.

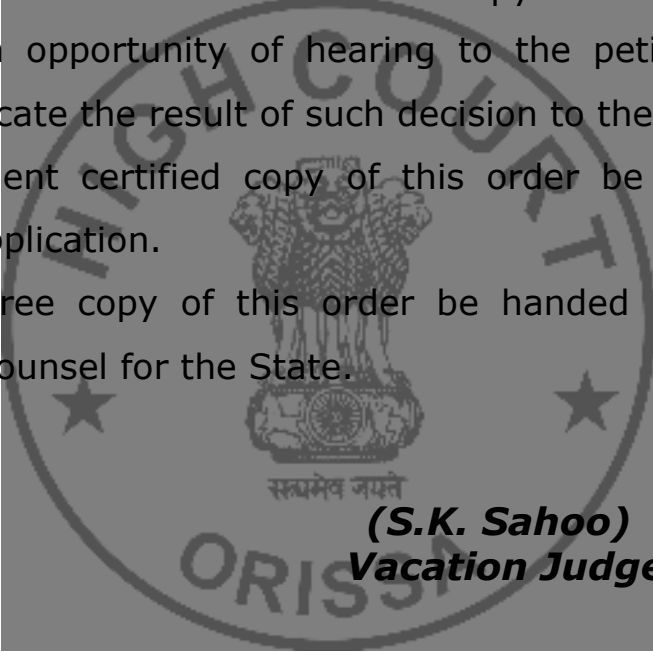
Learned counsel for the State submitted that the

said representation shall be considered in accordance with law after giving an opportunity of hearing to the petitioners.

Considering the submissions made by the learned counsel for the respective parties and without going into the merits of the case, this writ petition is disposed of directing the opposite party no.3- Divisional Labour Commissioner -cum- Conciliation Officer, Keonjhar to consider the representation of the petitioners under Annexure-5 series within a period of four weeks from the date of production of the certified copy of this order after giving an opportunity of hearing to the petitioners and communicate the result of such decision to the petitioners.

Urgent certified copy of this order be granted on proper application.

A free copy of this order be handed over to the learned counsel for the State.

The seal of the Orissa High Court is a circular emblem. It features the Ashoka Lion Capital in the center, with the motto 'सत्यमेव जयते' (Satyameva Jayate) in Devanagari script below it. The words 'HIGH COURT' are written in an arc at the top, and 'ORISSA' is written in an arc at the bottom. Two stars are positioned on either side of the central emblem.

(S.K. Sahoo)
Vacation Judge

(M.S. Raman)
Vacation Judge