

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.28659 of 2022

(Through Hybrid mode)

Arun Kumar Das and others

....

Petitioners

Mr. Jyotirmaya Gupta, Advocate

-versus-

Union of India and others

....

Opposite Parties

Mr. J. Nayak, Advocate for O.Ps.1 and 2

Mr. Bhabani Shankar Rayaguru, CGC

CORAM:

JUSTICE ARINDAM SINHA

JUSTICE SANJAY KUMAR MISHRA

ORDER

15.12.2022

Order No.

- 02.
1. Mr. Gupta, learned advocate appears on behalf of petitioners and submits, his clients' services were illegally terminated. They made application, received by opposite party no.2 on 12th February, 2021. He submits, prayer of his clients is for direction upon said opposite party to take final decision on the application and liberty to

his clients to file disputes against the employer. On query from Court he submits, termination was on 7th December, 2019.

2. Mr. Nayak, learned advocate appears on behalf of opposite party nos.1 and 2. He hands up copy of report dated 10th November, 2021 on conciliation, from which we extract and reproduce paragraphs 3 and 4.

“During the course of joint discussions on 10.11.2021, it is observed that since three dates the parties were absent without giving any intimation. It seems the applicants are not interested to pursue the case further.

4. In view of the above the instant file is treated as closed.”

Mr. Gupta, submits copy of the report his clients did not received. Copy is received in Court.

3. Mr. Rayaguru, learned advocate, Central Government Counsel appears on behalf of railways.

4. We find, petitioners chose to approach opposite party no.2 and thereupon did not avail of remedy provided under sub-section (2) in section 2-A of Industrial Disputes Act, 1947. Be that as it may, petitioners have liberty to produce this order before the appropriate

Government for issuance of order on reference under sub-section (5) in section 12.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

(S. K. Mishra)
Judge

Prasant

