



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 8429 of 2024

Pabitra Kumar Behera & Others* *Petitioners

Mr. Susanta Dash, Advocate

-versus-

State of Odisha & Others* *Opp. Parties

Mr. Sabita Ranjan Pattanaik,
Additional Government Advocate
(for O.P. No.1)

Mr. Bijoy Das Mohapatra, Advocate
(for O.P. No.2)

Mr. Narendra Kishore Mishra, Senior Advocate
being assisted by Mr. Nitish Kumar Mishra, Advocate
(for O.P. No.3)

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SAVITRI RATHO

ORDER

18.11.2025

Order No.

06. 1. This matter is taken up through hybrid mode.
2. Appearance memo of Mr. Narendra Kishore Mishra, learned Senior Counsel appearing on behalf of the Opposite Party No.3 is filed in Court today. The same is taken on record.
3. The industrial dispute came to be registered as I.D. Case No. 8 of 2017 before the Industrial Tribunal, Bhubaneswar on a reference being received from the appropriate Government. The reference is as under :-

“Whether the termination of services of Sri Pabitra Kumar Behera, Kalandi Charan Prusty, Prabhakar Das, Padma Charna Behera, Upendra Sahoo and Bijay Mohanty in the guise of VSS w.e.f. 01.07.2015



by the Management of M/s. Land Loosers Welfare Co-Operative Society Ltd, Paradeep is illegal and/or justified ? If not, to what relief they are entitled to?”

4. During pendency of the reference before the Industrial Tribunal the contractor-employer-Opposite Party No.2 filed an application to direct the Workmen-Petitioners to deposit the amount, they had received towards VSS benefit.

5. Learned Tribunal relying upon the decision in the case of ***Man Singh Vs. Maruti Suzuki India Ltd. & Others*** reported in ***(2011) 14 SC 662*** where the Supreme Court has held that a person “who seeks equity must do equity” and upheld the decision of the High Court in which a direction was issued to the Workmen to deposit the amount, they had received towards VSS benefit for proceeding with the reference.

6. Upon hearing learned counsel for the parties, a doubt arose as to whether the Tribunal has any discretion to lay down any condition for answering a reference.

7. It is submitted by Mr. Mishra, learned Senior Counsel that such a contingency has not arisen in this case as yet as the Workmen are taking time before learned Tribunal to deposit the said amount.

8. Mr. Dash, learned counsel for the Petitioners, Mr. Das Mohapatra, learned counsel for the Opposite Party No.2 and Mr. Narendra Kishore Mishra, learned Senior Counsel for the Opposite Party No.3 pray for a short adjournment to address on the said issue.



9. In view of the above, the matter stands adjourned to be listed on 8th December, 2025 on which date learned counsel for the parties shall come prepared to make submission on the above.

(K.R. Mohapatra)
Judge

(Savitri Ratho)
Judge

Sukanta