

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14178 of 2020

Kanhu Charan Sahoo

....

Petitioner

Mr. S.S. Das, Advocate

-versus-

***The Presiding Officer, Industrial
Tribunal BBSR and another***

....

Opposite Parties

Mr. G.P. Mohanty, Advocate

CORAM:

**JUSTICE ARINDAM SINHA
JUSTICE SIBO SANKAR MISHRA**

**ORDER
17.10.2023**

Order No.

10.

1. Mr. Das, learned advocate appears on behalf of petitioner (workman). He submits, impugned is order dated 30th October, 2019 made by the Industrial Tribunal granting paltry compensation in lieu of reinstatement.

2. Mr. Mohanty, learned advocate appears on behalf of opposite party no.2 (management) and submits, his client had unsuccessfully challenged the order. His client's writ petition (W.P.(C) no.5059 of 2020) was dismissed by order dated 10th December, 2021. Mr. Das

submits, his client was neither on notice of the writ petition nor said order.

3. We reproduce below paragraphs 3 to 5 from said order dated 10th December, 2021.

“3. Answering a reference U/S.10 of the Industrial Disputes Act, the Industrial Tribunal, Bhubaneswar, in I.D. Case No.22 of 2017 has denied reinstatement, as the Opp. Party No.2 had approached the Tribunal after a long gap and awarded lump sum amount of Rs.50,000/- (Rupees fifty thousand) only in lieu of reinstatement.

*4. Having perused the impugned order and the decision of the Hon’ble Apex Court found to be relied on by the learned Industrial Tribunal in the body of its order, **we do not find any infirmity in the order** and the order so passed by the learned Tribunal cannot be defeated only on the ground of delay and laches on the part of Opp. Party No.2 to approach the Tribunal. **The Tribunal has rightly denied reinstatement to Opp. Party No.2 and has paid an amount of Rs.50,000/- (Rupees fifty thousand) only in lieu of reinstatement.***

5. Having concurred with the impugned order, we do not find any merit in the writ petition and the same is accordingly dismissed.”

(emphasis supplied)

4. Coordinate Bench had found no infirmity in impugned order. On discovery by petitioner, the finding stares at his face. In the circumstances, petitioner is to be advised on steps to be taken in accordance with law. To that end, we adjourn the writ petition.
5. List on 16th November, 2023.

(Arindam Sinha)
Judge

(S.S. Mishra)
Judge

Sks



Signature Not Verified

Digitally Signed
Signed by: SISIR KUMAR SETHI
Designation: PERSONAL ASSISTANT
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 17-Oct-2023 17:49:46

