



“7. That, in view of the above, the management has taken shelter before the Hon’ble High Court in WP(C) No.33066 of 2023 against the ex-parte award passed by the learned Labour Court, Bhubaneswar on dated 17.01.2022 without complying the provision under Section 17-B of Industrial Disputes Act, 1947.”

2. He submits, there is no challenge to the award but prayer for restoration of the reference to provide opportunity for the management to cross-examine the witnesses. In the circumstances, provision in section 17-B will not apply.

3. Mr. Dash, learned advocate appears on behalf of the workman, who has applied for interim relief. He submits, there is specific averment in the application, supported by affidavit that his client was neither gainfully employed previously nor so at present in any establishment. Paragraph 7 from the application is reproduced below.

“7. That the O.P. workman was neither gainfully employed previously nor gainfully employed at present in any establishment and as the Petitioner Management has assailed the award of reinstatement of workman passed by the learned Labour Court in the present Writ Petition, the Petitioner is under statutory obligation to comply the provisions contemplated under Section 17-B of Industrial



Disputes Act, 1947 otherwise, it will cause immense hardship to the O.P. to sustain his livelihood he is striving hard to sustain in these hard days and it would be difficult on the part of O.P. to resist the litigation carried before the Hon'ble Court by engaging a counsel as he is out of employment since October 2017."

4. We require applicant-workman to file affidavit as mandated by section 17-B. More so because the affidavit supporting the petition does not specifically say that the deponent affirmed, as of his knowledge, statements made in paragraph 7 reproduced above. The affidavit will be accepted on adjourned date upon advance copy served. After the application for interim relief is disposed of, the writ petition will be taken up for hearing.

5. List on 2nd December, 2024.

(Arindam Sinha)
Judge

(M.S. Sahoo)
Judge