

## ORISSA ORDINANCE No. 3 OF 1983

THE INDUSTRIAL DISPUTES (ORISSA AMENDMENT)  
ORDINANCE, 1983.

[Promulgated by the Governor of Orissa on the 21st February 1983, published in an extraordinary issue of the *Orissa Gazette*, dated the 21st February 1983.]

AN

## ORDINANCE

TO AMEND THE INDUSTRIAL DISPUTES ACT, 1947 IN ITS  
APPLICATION TO THE STATE OF ORISSA

WHEREAS the Legislature of the State of Orissa is not in session ;

AND, WHEREAS the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Industrial Disputes Act, 1947, in its application to the State of Orissa, in the <sup>14 of 1947</sup> manner hereinafter appearing;

AND WHEREAS instructions from the President have been received to promulgate such an Ordinance;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-fourth year of the Republic of India :—

Short title  
and  
commence-  
ment.

1. (1) This Ordinance may be called the Industrial Disputes (Orissa Amendment) Ordinance, 1983.

(2) It shall come into force at once.

Amendment  
of section  
25-K.

2. In section 25-K of the Industrial Disputes Act, 1947 (hereinafter referred <sup>14 of 1947</sup> to as the principal Act), in sub-section (1), for the words "three hundred", the words "one hundred" shall be substituted.

Amendment  
of section  
25-0.

3. For section 25-0 of the principal Act, the following section shall be substituted, namely :—

Procedure  
for closing  
down an  
undertaking.

"25-0. (1) An employer who intends to close down an undertaking of an Industrial establishment to which this Chapter applies shall, in the prescribed manner, apply, for prior permission at least ninety days before the date on which the intended closure is to become effective, to the appropriate Government, stating clearly the reasons for the intended closure of the undertaking and a copy of such application shall also be served simultaneously on the representatives of the workmen in the prescribed manner :

Provided that nothing in this sub-section shall apply to an under-taking set up for the construction of buildings, bridges, roads, canals dams or for other construction work.

(2) Where an application for permission has been made under sub-section (1), the appropriate Government, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen and the persons interested in such closure may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the general public and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(3) Where an application has been made under sub-section (1) and the appropriate Government does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(4) An order of the appropriate Government granting or refusing to grant permission shall, subject to the provisions of sub-section (5), be final and binding on all the parties and shall remain in force for one year from the date of such order.

(5) The appropriate Government may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (2) or refer the matter to a Tribunal for adjudication :

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(6) Where no application for permission under sub-section (1) is made within the period specified therein, or where the permission for closure has been refused, the closure of the undertaking shall be deemed to be illegal from the date of closure and the workmen shall be entitled to all the benefits under any law for the time being in force as if the undertaking had not been closed down.

(7) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.

(8) Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3) every workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months".

4. In section 25-R of the principal Act,—

Amendment  
of section  
25-R.

(a) in sub-section (2), for the words, brackets, figures and letters "a direction given under sub-section (2) of section 25-O or section 25-P", the words, brackets, figures and letters" an order refusing to grant permission to close down an undertaking under sub-section (2) of section 25-O or a direction given under section 25-P" shall be substituted :

(b) Sub-section (3) shall be omitted.

C. M. POONACHA  
GOVERNOR OF ORISSA

Dated the 21st February, 1983