

ORISSA ACT 6 OF 1983

THE INDUSTRIAL DISPUTES (ORISSA AMENDMENT) ACT, 1983

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ORISSA ACT 6 OF 1983

***THE INDUSTRIAL DISPUTES (ORISSA AMENDMENT) ACT, 1983**

[Received the assent of the President on the 31st March 1983 first published in an extraordinary issue of the *Orissa Gazette*, dated the 2nd April 1983].

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

Be it enacted by the Legislature of the State of Orissa in the Thirty-fourth Year of the Republic of India, as follows:—

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

(2) It shall be deemed to have come into force on the 21st day of February 1983.

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

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

"25-O. (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 undertaking 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.

Short title
and
commence-
ment.

Amendment
of section
25-K.

Amendment
of section
25-O.

Procedure
for closing
down an
undertaking.

(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 close 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 day's average pay for every completed year of continuous service or any part thereof in excess of six months".

Amendment
of section
25-R.

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

(a) in sub-section (2), for the words; brackets, figures and letters "a direction given under sub-section (2) of section 25-0 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 25-0 or a direction given under section 25-P" shall be substituted;

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

Repeal and
Savings.

5. (1) The Industrial Disputes (Orissa Amendment) Ordinance, 1983 is hereby repealed.

Orissa
Ordinance
No. 3 of
1983.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.