

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH: KOLKATA**

**O.A. No.52 of 2021/EZ**

Pratap Kumar Jena. ... Applicant

-Versus-

State of Odisha & others. ... Respondents

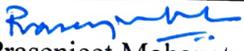
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Place: Cuttack

  
Prasenjeet Mohapatra

Date: 22.10.2021

Addl. Standing Counsel

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH: KOLKATA**

**O.A. No.52 of 2021/EZ.**

Pratap Kumar Jena. ... Applicant

-Versus-

State of Odisha & others. ... Respondents

**COUNTER AFFIDAVIT FILED ON BEHALF OF THE  
RESPONDENT NOS. 4 AND 5**

I, Shri Santosh Kumar Mishra, OAS (SAG), Son of Late Udaynath Mishra, aged about 56 years, at present working as Additional District Magistrate, Kalinga Nagar, Dist: Jajpur do hereby solemnly affirm and state as follows:-

1. That I am Opp. Party No.5 in this case and am swearing this affidavit for self and on behalf of the Opp. Party No. 4 being duly authorized by him.
2. That I have gone through the original application and have understood the contents thereof. I am acquainted with the facts of the case in my official capacity and thus competent to swear this affidavit.
3. That all the averments made in the original application are denied except the averments being matter of record unless any of them is specifically admitted herein below. The averments in the original application which have not been specifically replied and are not matters of record shall be deemed to have been denied by the answering deponent.

Santosh Kumar Mishra

4. That in reply to the averments made in paragraphs 1 of the original application, it is humbly submitted that a meeting was held under the Chairmanship of Additional District Magistrate, Kalinga Nagar on 11.05.2021 and resolution was unanimously made by the Assistant Labour Officer, Jajpur Road, Inspector-In-Charge, Kalinga Nagar, Representative of Mideast Integrated Steel Company Ltd. (in short "MESCO") & Kalinga Nagar Mazdoor Union. In the said resolution, nowhere the Additional District Magistrate, Kalinga Nagar had facilitated and encouraged the illegal operation of Railway siding and to run the Railway siding to the MESCO premises. It is humbly submitted that the meeting was held to mostly discuss the employees' remuneration of MESCO as they had been demanding before District Administration to impress upon the MESCO management for making payment of their arrear salaries and back wages. It was also resolved to request the MESCO management to pay 5 to 6 lakhs as an incentive in the month of June 2021 to the workers as they were unable to manage their families due to financial hardships. The details of the said meeting have been explained in detail in the following paragraphs.

5. That the averments made in paragraph-2 of the original application are incorrect. It is a false and incorrect representation of fact to state that JSW has taken the Railway siding of MESCO steel on lease pursuant to the meeting in presence of Additional District Magistrate, Kalinga Nagar on 11.05.2021 for loading of fly ash, clinker, coal and gypsum who is operating the same illegally. It is humbly submitted that in the said meeting none of the members of the JSW attended the meeting and the above matter was never discussed and resolved.

Santosh Kumar Mishra

6. That the averments made in paragraphs 3 to 6 of the original application call for no reply from this Respondent.

7. That the averments in Paragraph 7 of the Original Application is false and hence denied. In reply to the averments made in paragraph-7 of the original application, it is humbly submitted that owing to closure of the Mideast Integrated Steel Ltd. (MESCO) plant, the MESCO Management had not been paying the arrear salaries of the workers citing non-availability of funds. Hence, there was unrest and agitation amongst workers, executive & non-executive employees of MESCO due to non-payment of arrear wages and salary against the MESCO Management. The Worker Union as well as the said employees had made several representations and were continuously demanding before the District Administration seeking intervention and resolution of the imbroglio. This dispute between the workers and the MESCO Management had led to a law-and-order problem in the area.

Accordingly, in order to amicably resolve the said dispute between parties, the answering deponent convened a meeting on 02.07.2020 with the representatives of management of M/s MESCO Ltd. and the representatives of Mesco Steel Workers Union and Kalinga Nagar Mazdoor Union. Pursuant thereto, the Management and the Workers arrived at a consensus so that the workers could be paid their arrear wages/salaries. It is humbly submitted that the contention of the Applicant that the illegal operation of Railway siding is at the behest of the answering deponent is incorrect and a misrepresentation of fact. The meeting was convened so that the demands of the MESCO Workers Union could be discussed

and decisions were taken for payment of their Salaries since they had been demanding continuously for the same before the District Administration.

Later another meeting was also convened on 11.05.2021 along with the representatives of management of M/s MESCO Ltd. and the representatives of Mesco Steel Workers Union and Kalinga Nagar Mazdoor Union in the presence of Additional SP, Kalinga Nagar, Assistant Labour Officer, Jajpur Road and IIC Kalinga Nagar Police Station since the unrest amongst the workers was persisting as the arrear salaries were still to be cleared off by the MESCO Management due to which they were obstructing the Main Gate of the M/s MESCO Ltd. It was accordingly resolved to request the MESCO management to pay 5 to 6 lakhs as an incentive in the month of June 2021 to the workers as they were unable to manage their families due to financial hardships

In both the meetings, it was discussed that since there is a Railway siding, the Management was requested to restore the same and make it functional and revenue can be generated to fulfil the demands of employees. It is most respectfully submitted that the decision arrived at in the meeting cannot be construed to mean that the Railway Siding or any other Unit shall be operated without obtaining necessary legal and regulatory approvals. It is most humbly submitted that any body, be it M/s MESCO or otherwise which would operate the Railway Siding is duty bound and obligated under law to do the same after obtaining necessary legal and regulatory clearances. Therefore, the contention of the Applicant in the above para is grossly incorrect, false and hence liable to be rejected without any consideration.

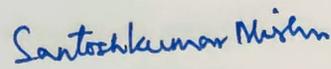
Santosh Kumar Mishra

Copy of the minutes of meeting dt. 02.07.2020 and 11.05.2021 are enclosed herewith as ANNEXURE - A/5 and B/5.

8. That the averments made in paragraphs 8 to 20 of the original application call for no reply from this respondent.
7. That the petitioner craves the leave of the Hon'ble Court to file fresh affidavit, it required in the interest of the present lis.
8. That the original application is otherwise improper unjustified and as such is liable to be dismissed
9. That the facts stated above are true to the best of my knowledge and belief based on official records.

Identified by:-

  
Advocate

  
Deponent

### Certificate

Certified that the cartridge papers are not readily available.

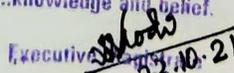
Cuttack

Date: 22.10.2021

  
Addl. Standing Counsel



Name Shri Santosh Kumar Mishra  
S/o Late Udayanath Mishra  
of Vill. APM, KALINGANAGAR PS, JATPUR ROAD  
Dist. JATPUR Age 56 Year  
Identified by Sri. ....  
Advocate solemnly Affirmed before us this  
day 22<sup>nd</sup> October year 2021  
that the contention of this affidavit are true to the  
best of ..... knowledge and belief.

  
Executive Magistrate  
Jajpur Road

Minutes of the meeting held on 02.07.2020 at 11.00 A.M in the office chamber of Additional District Magistrate, Kalinga Nagar, Jajpur regarding discussion on the issues raised by the Mesco Steel Workers Union, Kalinga Nagar & Kalinga Nagar Mazdoor Union (Mesco Branch) pertaining to payment of pending salaries since December-2019 along with other issues

A meeting was held on 02.07.2020 at 11.00 A.M in the office chamber of Additional District Magistrate, Kalinga Nagar, Jajpur under the Chairmanship of Additional District Magistrate, Kalinga Nagar regarding discussion on the issues raised by the Mesco Steel Workers Union & Kalinga Nagar Mazdoor Union (Mesco Branch) pertaining to payment of pending salaries since December-2019 along with other issues. The Dy. General Manager (P&A), Sr. Manager (P&A) & Sr. Dy. General Manager (Blast Furnace) for the management of M/s. Mesco Steel Ltd., Kalinga Nagar along with the President & Secretary of both the Unions were present in this meeting. A photocopy of the attendance sheet is enclosed as annexure 'A'.

At the outset, Additional District Magistrate, Kalinga Nagar welcomed all the members present in the meeting and started discussion about the purpose of the meeting. The following decisions were taken unanimously.

- The management of MISL will be allowed to open MISL gate & selling of materials such as scrap, slag & Pig Iron from the plant.
- The daily selling report will be submitted in the office of Additional District Magistrate, Kalinga Nagar in the evening. A committee formed by Additional District Magistrate, Kalinga Nagar will monitor the daily despatch.
- The sell amount of aforesaid materials will be paid towards employees salary only for the month of December-2019 to 12<sup>th</sup> February-2020.
- In the meantime MISL management will engage outside interested party to use both the railway siding of MISL on hire basis. The hiring charges will be utilized towards the payment (Basic + DA) & other statutory payment like PF & ESI etc. of employees.
- In absence of security personnel, theft is being occurred in the MISL Plant, Additional District Magistrate, Kalinga Nagar instructed MISL management to deploy adequate security personnel for watch & ward duty.
- Both the Unions requested before the Management of Mesco Steel to look into the matter & expedite the process towards consent to operate (CTO) of BF & mineral licence in respect of MISL.

True Copy attested.

22/7/20  
Additional District Magistrate  
Kalinga Nagar, Jajpur

- 7
- As regards "No work No pay" made by MISL Management, the decision of Labour Authority is awaited.

The meeting ended with vote of thanks to the Chair and all participants present.

  
02/07/2020  
Additional District Magistrate,  
Kalinga Nagar

Memo No. 1205(2) (KN) / Dt. 02.07.2020

Copy submitted to the Collector & District Magistrate, Jajpur / Superintendent of Police, Jajpur for favour of kind information.

  
02/07/2020  
Additional District Magistrate  
Kalinga Nagar

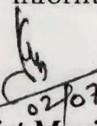
Memo No. 1206(2) (KN) / Dt. 02-07-2020

Copy forwarded to Addl. Superintendent of Police, Kalinga Nagar / IIC, Kalinga Nagar for information and necessary action.

  
02/07/2020  
Additional District Magistrate  
Kalinga Nagar

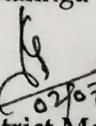
Memo No. 1207 (KN) / Dt. 02-07-2020

Copy forwarded to the Joint Labour Commissioner, Jajpur Road for information & necessary action.

  
02/07/2020  
Additional District Magistrate  
Kalinga Nagar

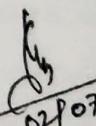
Memo No. 1208 (KN) / Dt. 02.07.2020

Copy forwarded to the Managing Director, M/s. Mesco Steel Ltd., Kalinga Nagar for information & necessary action.

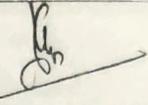
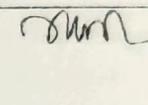
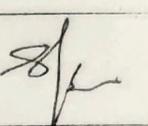
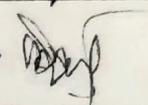
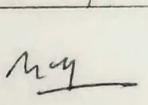
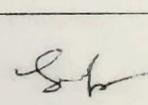
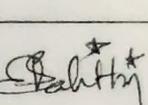
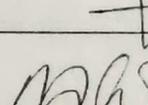
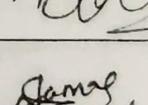
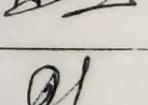
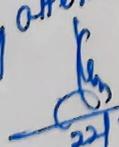
  
02/07/2020  
Additional District Magistrate  
Kalinga Nagar

Memo No. 1209 (KN) / Dt. 02.07.2020

Copy forwarded to the President & Gen. Secretary of Mesco Steel Workers Union / Kalinga Nagar Mazdoor Union, Kalinga Nagar for information.

  
02/07/2020  
Additional District Magistrate  
Kalinga Nagar

Members present in the meeting held on 02.07.2020 at 11.00 A.M. in the office chamber of Additional District Magistrate, Kalinga Nagar regarding discussion on the issues raised by the Mesco Steel Workers Union, Kalinga Nagar & Kalinga Nagar Mazdoor Union (Mesco Branch) pertaining to payment of pending salaries since December-2019 along with other issues

Sl No.	Name	Designation	Mobile No. & E-mail ID	Signature
01	Sri Santosh Kumar Mishra, OAS(S)	ADM, Kalinga Nagar	9937314878	
02	S. Ranth	Dejn (P&A)	9937296222	
03	Satish Jena	Sr. Mgr (P&A)	9937296122	
04	B.K. Bhandari	Sr. SGM (P&A)	9937296118	
05	Ganesh Ch Nayak	MSWU (P)	9937296715	
06	SK Sabir	MSWU S&S	9938960788	
07	Shaikh Sabir Hossain	MSWU (Official Secy)	9937862857	
08	Sk Md Tahed	President KNMU	9937312072	
09	Narendra Kumar Soneh	General Secretary KNMU (MIS)	9937166635	
10	A. A. Vh	G. sec. KNMU	9937296124	
11				
12				
13	<p>True Copy attested.</p> <p></p> <p>22/7/20</p> <p>Additional District Magistrate Kalinga Nagar, Jajpur</p>			

Proceeding of the meeting on the issue relating to unauthorized obstruction at Main Gate of M/s. Mesco Steel Ltd and to restart the Railway Siding at Mesco Plant held on 11.05.2021 at 11.00 A.M in the office chamber of ADM, Kalinga Nagar.

A meeting was held on 11.05.2021 at 11.00 A.M under the Chairmanship of ADM, Kalinga Nagar in the office chamber of ADM, Kalinga Nagar in presence of Additional SP, Kalinga Nagar, Assistant Labour Officer, Jajpur Road, IIC, Kalinga Nagar Police Station. In this meeting the representatives of M/s. Mesco Steel Ltd., Kalinga Nagar along with the members of Mesco Steel Workers Union and Kalinga Nagar Mazdoor Union were present. A photo copy of the attendance sheet of this meeting is attached and marked as Annexure-A.

At the outset, Additional District Magistrate, Kalinga Nagar welcomed all the members present in the meeting and briefed about the purpose of the meeting. The details of the issue were narrated by the Management of M/s. Mesco Steel Ltd and representatives of the Union present in the meeting. After threadbare discussions the following decisions were taken unanimously.

- The Management of M/s. Mesco Steel Ltd was requested to restore the Railway Siding works as early as possible so that transportation through Railway may be taken care up.
- During COVID-19 pandemic situation the workers / employees are in very difficult condition to manage their families without any financial assistance. The Mesco Steel Management was requested to pay at least basic salary of the workers / employees out of the funds generated from Railway Siding from the month of July-2021.
- The Management was requested to pay Rs. 5 to 6 lakhs as an incentive in the month of June-2021 which will be distributed among the workers/employees of M/s. Mesco Steel for coming Raja Festival-2021.
- ADM, Kalinga Nagar requested the Management to take up functioning of both the Railway Sidings of M/s. Mesco Steel simultaneously.
- The Management was also requested to strengthen the Security System in Railway Sidings as well as in plant.
- Additional Superintendent of Police, Kalinga Nagar and IIC, Kalinga Nagar stated that the Executive / Non-Executive employees of Mesco Steel will not further hold any agitation or strike henceforth and will cooperate & support the management in all possible ways for smooth operation of the Railway Siding and Plant.

The meeting ended with vote of thanks to the Chair & participants.

True Copy attested.

22/7/21  
Additional District Magistrate  
Kalinga Nagar, Jajpur

11/05/21  
Additional District Magistrate  
Kalinga Nagar

Cont...

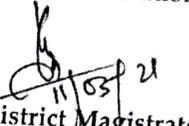
Memo No. 604 (KN) / Dt. 11.05.2021

Copy submitted to the Collector & District Magistrate, Jajpur for favour of kind information.  
Copy submitted to the Superintendent of Police, Jajpur for favour of kind information.

  
Additional District Magistrate  
Kalinga Nagar

Memo No. 605 (KN) / Dt. 11.05.2021

Copy forwarded to the Additional Superintendent of Police, Kalinga Nagar / Assistant Labour Officer, Jajpur Road / Inspector In-Charge, Kalinga Nagar Police Station for information and necessary action.

  
Additional District Magistrate  
Kalinga Nagar

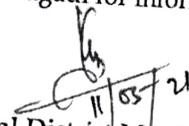
Memo No. 606 (KN) / Dt. 11.05.2021

Copy forwarded to the Chairman-Cum-Managing Director / Executive Director, M/s. Mesco Steel Ltd., Kalinga Nagar for information and necessary action.

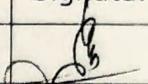
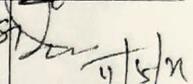
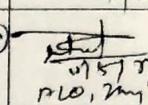
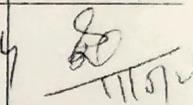
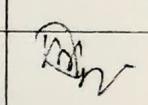
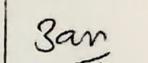
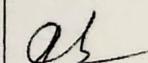
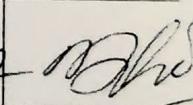
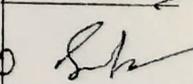
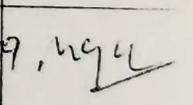
  
Additional District Magistrate  
Kalinga Nagar

Memo No. 607 (KN) / Dt. 11.05.2021

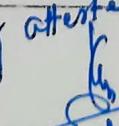
Copy forwarded to the President and Secretary of Mesco Steel Workers Union, Kalinga Nagar At-Managobindapur/Kalinga Nagar Mazdoor Union (Mesco Branch), At-Danagadi for information.

  
Additional District Magistrate  
Kalinga Nagar

**MEMBERS PRESENT IN THE MEETING HELD ON 11.05.2021 AT 11.00 A.M IN THE OFFICE CHAMBER OF ADDITIONAL DISTRICT MAGISTRATE, KALINGA NAGAR REGARDING DISCUSSION ON THE ISSUE RELATING TO UN-AUTHORIZED OBSTRUCTION AT MAIN GATE BY SOME OFFICE BEARERS OF MESCO STEEL TO RESTART THE RAILWAY SIDING.**

Sl. No.	Name	Designation	Mobile No. & E-mail ID	Signature
01.	Sri Santosh Kumar Mishra, OAS (S)	ADM, Kalinga Nagar		
02.	Sri Jayaram Satapathy, OPS (SB)	Addl. SP, Kalinga Nagar	9437187381	
03.	Chittaranjan Rout, A LO	Joint Labour Commissioner, Jajpur Road	9438256050	
04.	Sulbanta Kumar Das IIC	IIC, Kalinga Nagar Police Station	9437802124	
05.		Director, M/s. Mesco Steel Ltd., Kalinga Nagar		
06.	B.K. Bhardwaj	S. SGM BSNL	7327820660	
07.	A. Jagannath	S. Manager Hoopring	7077977921	
08.	AMR Anil Kumar	Gen. Sec. KNMU	92785511981	
09.	Sh. Md. Jahed	President, KNMU,	9937312072	
10.	Sh. Sabir (G)	MSWU	9938960760	
11.	Pranesh Ch. Nayak (P)	MSWU	9658991369, 9944	
12.				
13.				

True Copy attested.

  
27/05/21  
Additional District Magistrate  
Kalinga Nagar, Jajpur