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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 155/Lab/AIL/T/2017,
Puducherry, dated 16th October 2017)

NOTIFICATION

Whereas, the Award in I.D. (T) No. 01/2010, dated 31-7-2017 of the Industrial Tribunal, Puducherry in respect of the industrial dispute between the Management of G.T.F.C. Limited, Puducherry and its workers over closure of the unit has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the Notification issued in Labour Department's G.O. Ms. No. 20/91/Lab/L, dated 23-5-91, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

S. MOUTTOULINGAM,
Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT AT PUDUCHERRY**

Present: Thiru G. THANENDRAN, B.COM., M.L.,
Presiding Officer.

Monday, the 31st day of July 2017.

I.D. (T) No. 01/2010

1. P. Babukrishnan
 2. Chandramathi
 3. Muthazhagi
 4. Pushpaveni
 5. Geetha
- .. Petitioners

Versus

The Managing Director,
M/s. G.T.F.C. Limited,
Puducherry.

.. Respondent

This industrial dispute coming on this day before me for hearing in the presence of Thiru K. Velmurugan, Counsel for the petitioners and Tvl. R. Ilancheliyan and S. Geetha, Counsels for the respondent, upon hearing both sides, upon perusing the case records, this Court passed the following:

AWARD

1. This industrial dispute has been referred by the Government as per the G. O. Rt. No. 9/AIL/Lab./J/2009-10, dated 25-01-2010 for adjudicating the following:

(i) Whether the dispute raised against the management of M/s. G.T.F.C., Oulgaret, Puducherry over closure of the unit represented by the workers of G.T.F.C., namely, Tvl. P. Babukrishnan, M. Sathya Bama, Jayamalini @ Navaneetham, Anthony, Jeevaraj and Geetha @ Padma is illegal is justified?

(ii) If justified, to what relief, the petitioners are entitled to?

(iii) To compute the relief if any, awarded in terms of money if, it can be so computed?

2. The brief averments of the petition filed by the petitioner are stated as follows :

The petitioners stated that the respondent factory was started in the year 1997 in Oulgaret, Puducherry region who manufactures Moulded Insoles, Counter stiffner, Toecap, Steel shanks, *etc.*, and the finished products were supplied worldwide and that they have joined in the respondent management ranging from the year 2001 to 2005 onwards and they rendered their services to the respondent management in a sincere and honest manner without any sort of blackmark whatsoever and that the respondent factory is very successful in getting orders from several companies and thereby earned enormous profits and as such the respondent management has established its sister concern in Iyyankuttipalayam under the name "G.T.F.C. Trading" and that the respondent management has employed about 62 workers and 40 staffs with imported machineries in the factory unit situated at Oulgaret and depending upon the necessity, the respondent management used to transfer the workers and staffs from the Oulgaret unit to the Iyyankuttipalayam unit *i.e.*, G.T.F.C. Trading and *vice versa* and further stated that since the products of the respondent is well-known for its standard and quality in the International Arena, more orders were equipped upon the respondent management and that unlike seasonal employment, the respondent management is getting regular orders from its customer companies like Good leather, Jagar Export, NML, Sri Sakthi PKL, Shoe Line, G.K.K., Baktech, Florans, *etc.*, and due to heavy work the petitioners and other workers in the factory used to do overtime works and for which

over-time wages were also paid by the respondent factory periodically and that on several occasions, the respondent management has given its work to outside job workers due to over accumulation of orders and that the respondent factory used to pay Bonus and other periodical increments to all its workers every year and with the huge profits earned from factory at Oulgaret, the respondent management has started another factory at Pallavaram, Chennai under the name "CPSL".

It is further stated that the 1st petitioner on several occasions used to go to the Chennai unit and train the workers regarding the operation of machines and also he used rectify the problems in the machines and that the respondent management used to pay the travel allowance and other batta expenses to the 1st petitioner in this regard and that all the petitioners depends their livelihood solely upon the income earned from the job given by the respondent management and they are not having any other source of income except the present employment with the respondent management and that during the month of January, 2009 the respondent factory has produced 1.25 lakhs pairs of Insole, 1,80,000 pairs of TPC, 8,000 pairs of sole and 4,00,000 pairs of steel shanks and thus the respondent factory has functioned in a full swing operation and further stated that on 16-02-2009, the respondent management without any prior notice/intimation has permanently closed down the factory and when the petitioners and other workers contacted the respondent management, they replied that they are going to shift the entire company to Chennai and hence, they closed down the factory and immediately the petitioners and the other 57 workers that is totally 62 workers gave representation, dated 18-02-2009 to the Labour Officer (Conciliation), Puducherry about the act of the respondent management in declaring illegal closure of the factory and in order to convenience to participate in the conciliation proceedings, the said 62 workers authorised 6 workers namely P. Babukrishnan, Jayamalini @ Navanedham, Jeevaraj, M. Sathyabama, Anthony, Geetha to represent in the dispute raised by the 62 workers collectively and meanwhile the respondent management had started diverging the workers by offering them lump sum settlement and by the inducement of the respondent management, all the workers except the 5 petitioners in the present industrial dispute had received their settlement benefits from the respondent management.

It is further stated that the respondent management has not followed the procedures contemplated under section 25-O of the Industrial Disputes Act, 1947 before permanently closing down the factory on 16-02-2009 and therefore, they filed the present industrial dispute as against the respondent for illegal closure of the factory praying to declare that the closure of the respondent factory effected by the respondent management on 16-02-2009 as illegal and improper and consequently direct the respondent management to pay the statutory dues like compensation for illegal closure, notice pay, gratuity, earned leave cash benefits, unpaid wages, bonus for the year 2008-2009, *etc.*, with interest at 24% per annum from date of closure and till date of realisation.

3. The brief averments of the counter filed by the respondent are stated as follows:

The contentions of the petitioners in their claim petition are absolutely false and not maintainable under law and stated that the names of the petitioners mentioned in the claim petition are not a party in the terms of reference issued by the Government in G.O. Rt. No. 9/AIL/Lab./J/2009-2010, dated 25-01-2010 excepting one Babukrishnan and therefore, the alleged petitioners do not have any *locus standi* to file the claim statement and further stated that since the respondent was supplying its products to the foot wear exporters and on account of the global recession the business was severely affected, there were steady decrease in business, which caused substantial financial loss and was supplying its products to various factories in and around Puducherry and several factories which were manufacturing foot wears for exports have closed down, on account of which the manufacturing of the products became unviable and uneconomical and there was accumulation of financial lose and the respondent could not manage the business and in addition to the adverse situation faced by the respondent there were serious indiscipline, violent behaviour including damage to machinery, assault and threats by the workers at large and inspite of the adverse situation the respondent tried to revive the operations and the efforts taken failed and could not come out successful and only in such a situation, the respondent contemplated closure of the factory with effect from 16-02-2009 and further stated that they issued the notice of closure to the Government under section 25 FFA of the Industrial Disputes Act and also made known to all the workers about the

closure of the factory and also clearly informed that every worker/employee employed would be paid their legal dues such as pay in lieu of notice, retrenchment compensation, gratuity, *Pro-rata* of Bonus, un-availed leave salary and other legal dues whatsoever and however a section workers did not come forward to take up the settlement and raised an industrial dispute *vide* letter, dated 18-2-2009 before the Labour Officer, Conciliation in which there were 57 signatories and however, when the dispute was pending out of total signatories of fifty-seven workers, 52 workers voluntarily came forward to directly negotiate the issue with the respondent management and entered into settlement under section 18(1) of the Industrial Disputes Act and based on the settlement all the 52 workers received their full and final settlement and further stated that since majority of the workers accepted the closure and also received their full and full settlement the closure is deemed to have been justified and as far as the remaining five workmen were concern, the respondent was ready to settle their dues along with other group of workmen and only the respective workmen did not take up their settlement on their own accord and therefore, the petitioners do not have any right to claim any interest against their dues for obvious reasons that the non-receipt of their dues for over 8 years is purely on their own accord and not fault of the respondent and prayed to dismiss the claim petition.

4. In the course of enquiry on the side of the petitioners, PW1 was examined and Ex. P1 to Ex. P22 were marked. On the side of the respondent, no oral evidence has been let in and no document has been marked. Argument heard. Records are perused.

5. The point for consideration is:

Whether the dispute raised by workers of G.T.F.C., namely, Tvl. P. Babukrishnan, M. Sathya Bama, Jayamalini @ Navaneetham, Antony, Jeevaraj and Geetha @ Padma against the respondent management over the closure of the unit is justified or not.

6. The Government has made this reference to this Tribunal to decide the dispute raised by the petitioners against the closure of the respondent factory is justified or not. On this aspect, the records and evidence are carefully perused. It is not in dispute that the petitioners are the workers of the respondent establishment and they had been in service and the respondent factory was closed in the year 2009 and the Industrial dispute was raised before the Labour Officer

(Conciliation) by all the workers of the factory over the closure of the respondent factory and the claim of the other workers have been settled by the respondent management and these petitioners have filed this industrial dispute to declare that the closure of the respondent factory is illegal and for other monetary benefits.

7. In order to prove their case the 1st petitioner has examined himself as PW1 and exhibited Ex. P1 to Ex. P22, From the evidence and exhibits marked on the side of the petitioners, it is clear that the petitioners are the workers of the factory and these petitioners were working as Operators and as Maintenance Technicians and the respondent management has closed the factory on 16-02-2009 by giving a notice of closure and against the closure the petitioners have raised the industrial dispute before the Labour Officer (Conciliation) on 01-02-2009 and these petitioners have been working at the respondent management from the year 2001 and they have been contributed for the Employees' State Insurance and Employees' Pension Fund. Though the respondent management has contended that they have closed the factory as per the laws after getting prior permission from the Government, nothing is established by them before this Court that they have closed the factory in accordance with the labour laws and it is also admitted by them that they have not paid any employment benefits for the closure of the factory. In such circumstances, the evidence of PW1 and the exhibits marked on the side of the petitioners would go to show that the petitioners have established the fact that they are the workers of the respondent management and they had been in service at the respondent factory and they have not been paid employment benefits for the closure of the factory as stated by the petitioners.

8. Furthermore, after hearing the argument of both sides, both the parties have filed a joint compromise memorandum along with the settlement arrived at between them stating that on 31-07-2017 both the parties have mutually agreed and entered a Memorandum of Settlement. The copy of the said Memorandum of settlement dated 31-07-2017 and the copy of the receipt is also filed along with the memorandum which would reveal the fact that the management and the petitioners have amicably entered into the settlement today that is 31-07-2017 and the petitioners namely, P. Babukrishnan has agreed for a sum of ₹ 60,961, R. Chandramathi has agreed for a sum of ₹ 23,555, I. Muthazhagi has agreed for a sum of

₹ 32,818, E. Pushpaveni has agreed for a sum of ₹ 38,566, R. Geetha has agreed for a sum of ₹ 40,890 for their employment benefits and therefore, the matter has been settled between the parties by entering the settlement and hence, the compromise is to be recorded and the Award is to be passed in terms of settlement and a copy of the settlement is to be attached as part and parcel of the Award.

9. In the result, the petition is partly allowed and the Award is passed in terms of the Memorandum of settlement arrived at between the parties today that is on 31-07-2017 and the same is recorded and the respondent is directed to pay the employment benefits to the petitioners as per the settlement entered between them and the said Memorandum of settlement shall be attached as part and parcel of the Award. No cost.

Dictated to the stenographer, transcribed by her, corrected and pronounced by me in the Open Court on this the 31st day of July, 2017.

G. THANENDRAN,
Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Puducherry.

List of petitioner's witness:

PW1 — 26-06-2017—P. Babukrishnan

List of petitioner's exhibits:

Ex.P1 — 16-02-2009—Copy of the notice of closure of the respondent factory.

Ex.P2 — 18-02-2009—Copy of the letter given by the employees of the respondent factory to the Labour Officer (Conciliation), Puducherry regarding illegal closure.

Ex.P3 — 18-02-2009—Copy of the authorisation letter given by the employees of respondent factory to the Labour Officer (Conciliation), Puducherry.

Ex.P4 — 23-02-2009—Copy of the intimation of closure given by the respondent management to the Labour Commissioner, Puducherry.

Ex.P5 — 27-02-2009—Copy of the letter submitted by the respondent management to the Labour Officer (Conciliation), Puducherry.

Ex.P6 — 11-05-2009—Copy of the letter submitted by the respondent, management to the Labour Officer (Conciliation), Puducherry.

Ex.P7 — 24-07-2009—Copy of the Failure report submitted by the Labour Officer (Conciliation), Puducherry to the Secretary to Government (Labour), Puducherry.

Ex.P8 — 11-03-2005—Copy of the ESI card of the 1st petitioner Babukrishnan.

Ex.P9 — 2006-2007—Copy of the Annual EPF statement of the 1st petitioner Babukrishnan.

Ex.P10— December, 2008 — Copy of the payslip of the 1st petitioner Babukrishnan.

Ex.P11— - — Copy of the Employment identity card of the 1st petitioner Babukrishnan.

Ex.P12— - — Copy of the Employment identity card of the 2nd petitioner Chandramathi.

Ex.P13— 20-05-2006—Copy of the ESI card of the 2nd petitioner Chandramathi.

Ex.P14— - — Copy of the Employment identity card of the 3rd petitioner Muthazhagi.

Ex.P15— - — Copy of the ESI card of the 3rd petitioner Muthazhagi.

Ex.P16— May, 2008 — Copy of the pay slip of the 3rd petitioner Muthazhagi.

Ex.P17— 13-11-2006—Copy of the ESI card of the 4th petitioner Pushpaveni.

- Ex.P15— 2006-2007— Copy of the Annual EPF statement of the 4th petitioner Pushpaveni.
- Ex.P19— — Copy of the Employment identity card of the 5th petitioner R. Geetha.
- Ex.P20— May, 2008 — Copy of the pay slip of the 5th petitioner R. Geetha.
- Ex.P21— — Copy of the ESI card of the 5th petitioner R. Geetha.
- Ex.P22— 2006-2007— Copy of the Annual EPF statement of the 5th petitioner R. Geetha.

List of respondent's witness: Nil.

List of respondent's exhibits: Nil.

G. THANENDRAN,
Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Puducherry.

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 159/Lab./AILT/2017,
Puducherry, dated 23rd October 2017)

NOTIFICATION

Whereas, the Award in I.D. (L) No. 43/2014, dated 28-9-2017 of the Labour Court, Puducherry in respect of the industrial dispute between the Management of M/s. Pondicherry Institute of Medical Sciences, Puducherry and its workman Thiru. A. Kannan over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the Notification issued in Labour Department's G.O. Ms. No. 20/91/Lab/L, dated 23-5-91, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

S. MOUTTOULINGAM,
Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT AT PUDUCHERRY**

Present : Thiru G. THANENDRAN, B.COM, M.L.,
Presiding Officer,

Thursday, the 28th day of September, 2017

I.D. (L) No. 43/2014

A. Kannan,
Vedal Village,
Kadapakkam Post,
Cheyyur Taluk,
Kancheepuram District. ... Petitioner

Vs.

The Managing Director,
M/s. Pondicherry Institute of
Medical Sciences,
Ganapathichettikulam Village,
Kalapet, Puducherry. ... Respondent

This industrial dispute coming on 27-09-2017 for hearing in the presence of Thiru L. Sathish, Advocate for the respondent, Thiru G. Krishnan, Advocate for the petitioner on record, the petitioner remained absent and no representation for petitioner, upon hearing the respondent, upon perusing the case records, after having stood over for consideration till this day, this Court passed the following:

AWARD

1. This industrial dispute has been referred by the Government as per the G.O. Rt. No. 123/AIL/Lab./J/2014, dated 25-8-2014 for adjudicating the following:-

(i) Whether the dispute raised by the petitioner Thiru A. Kannan, Anesthesia Technician against the management of M/s. Pondicherry Institute of Medical Sciences, Puducherry over his non-employment is justified? If justified, what relief he is entitled to?

(ii) To compute the relief if any, awarded in terms of money if, it can be so computed?

2. The petitioner in his claim statement stated that he has joined the respondent institution on 14-9-2010 on contract for two years *vide* appointment order dated 13-9-2010 and as his conduct and performance were found satisfactory, he was offered the post of Anesthesia Technician on probation with effect from 17-9-2012 and on successful completion of the probation period, he was confirmed as regular employee

with effect from 1-4-2013 *vide* confirmation order 23-3-2013 and he discharged his duties without any blemish and his active involvement in the trade union activities lead to expose him to the ill will of the management which went to the extent of issuing a false charge memorandum dated 15-2-2014 alleging that one Ms. Guna, daughter of Mrs. Pichaiyammal, PIMS patient gave a written complaint on 5-2-2014 stating that the petitioner has received ₹ 300 from her towards cost of medicines used for the procedure for undergoing Electro Convulsive Therapy (ECT) and subsequently, the alleged complainant herself has categorically stated that the petitioner has not demanded any money from her. The respondent has hatched a conspiracy against petitioner and he had written according to the wishes of Respondent Officer as it was misrepresented to him that only a warning notice would be issued to him since, the complainant herself has stated that he has not demanded any money from her. The respondent issued false charge-memo on 15-2-2014. In the Department Enquiry, the petitioner was not afforded with an opportunity to examine the said Ms. Guna and mark as exhibit the letter given by her. The Enquiry Officer made petitioner to believe that the enquiry was only in compliance of procedure to close his file after recording his admission and he would be allowed to continue in service by issuing a warning notice. Petitioner's signature was obtained in the enquiry proceedings held on 18-2-2014 and the enquiry came to an end on that day itself. The enquiry proceedings were not read over and explained to the petitioner. The respondent has hustled through the matter in a mechanical manner only to victimise the petitioner for his union activities. The letter given by Ms. A. Guna and the representation made by all the trade unions in the respondent institution were not taken into consideration. The enquiry conducted by the Enquiry Officer was only an empty formality and was not in accordance with the principles of natural justice and was not conducted in a fair and proper manner. The findings arrived at the enquiry are perverse and the management is guilty of victimisation, unfair labour practice and *mala fide*. The copy of the enquiry report was also not served on the petitioner and the petitioner was punished in an arbitrary manner. The punishment of termination for the alleged misconduct was outrageous, in defiance of logic and was shocking, perverse, irrational, unconscionable and wholly disproportionate. Therefore, the petitioner is entitled to recover full back wages from the date of termination till the date of reinstatement.

3. On the other hand, it is stated by the respondent management in the counter that the petitioner was employed as Anesthesia Technician on contract for two years *vide* appointment order, dated 13-9-2010 and he was confirmed as regular employee on 23-3-2013. On 5-2-2014 the respondent management received a written complaint from Ms.A. Guna, daughter of patient Mrs. Pitchaiammal stating that petitioner had illegally received Rs. 300 on 3-2-2014 from her for undergoing Electro Convulsive Therapy (ECT) for her mother alleging that the amount was towards the cost of medicines used for the procedure and for which the preliminary spot enquiry was immediately conducted by the respondent's Additional Medical Superintendent, HOD-Anesthesia, Personnel Manager and the Nursing Superintendent, where Ms.A. Guna and petitioner were enquired about the complaint given by her. Since, the petitioner was caught red-handed, he categorically admitted in writing that he received Rs.300 from the said Ms. A. Guna for the ECT procedure by stating that the said amount was required for medicines and had actually taken the medicines without the knowledge of respondent management from the O.T. stock. The said Ms. A. Guna also endorsed in writing that Rs.300 was received by petitioner for ECT procedure and she identified petitioner before the enquiring committee. The proceedings in preliminary enquiry was have been signed by both the petitioner and the said Ms. A. Guna before the Additional Medical Superintendent, HOD - Anesthesia, Personnel Manager and Nursing Superintendent.

4. The respondent further stated that inspite of categorical admission of such grave misconduct in preliminary enquiry, the respondent wanted to conduct a full fledged enquiry giving full opportunity to petitioner to defend himself. Accordingly, a charge-memorandum dated 15-2-2014 was issued to the petitioner for fraud and dishonesty in his service and seeking his explanation. The petitioner once again categorically accepted his illegal gratification *vide* his explanation, dated 17-2-2014. In order to give further opportunities to the petitioner to disprove the charges, a domestic enquiry was initiated against the petitioner and in the domestic enquiry proceedings dated 18-2-2014, petitioner had also admitted that he used the medicines in the O.T for the ECT without the knowledge of his superiors and sought for forgiveness. The enquiry proceedings were recorded in the presence of petitioner, the petitioner also signed the same as a token of his participation and he had nothing more to say and hence, the enquiry was closed with the recordings of the statement of petitioner and marking

of documents of the management. Based on the proceedings done by Enquiry Officer, the oral and documentary evidences the Enquiry Officer submitted his findings dated 18-2-2014 holding the petitioner guilty of the charges leveled against him under the charge-sheet dated 15-2-2014 beyond all reasonable doubts based on his own admission and evidence on record. The management has perused all the documents, domestic enquiry proceedings, and also finding of the Enquiry Officer and more importantly, the categorical admission of petitioner of his own guilty on three occasion and taking the gravity of the misconduct into account and to uphold discipline and integrity in organisation and to prevent such recurrences in future as a deterrent to other employees the respondent issued order dated 19-2-2014 terminating the petitioner from service with effect from 20-2-2014. As a medical institution, the respondent requires the services of its Staffs, Officers and Doctors, Nurses, Attendants, *etc.*, at all times to cater to the needs of its patients. It receives number of emergency cases and round the clock attendances of such patients are extremely essential and such illegal acts would adversely affect the reputation of the respondent's hospital. Such indiscipline and lack of character, if left, unpunished or even if lesser punishments are imposed it will set a trend among the other workers and for committing such illegal acts, which will spread like contagious disease. Therefore, the respondent was compelled take such severe action which is fully justified.

5. In the course of enquiry, no oral evidence has been let in on both sides and no exhibits were marked on the side of the petitioner and on the side of the respondent management Ex. R1 to Ex. R8 were marked. Heard.

6. Now, the point for determination is,

Whether the dispute raised by the petitioner against the respondent management over his non-employment is justified, or not and if justified, what relief is entitled to the petitioner.

7. In this case this Court has already passed preliminary Award in favour of the respondent holding that the domestic enquiry conducted against the petitioner workmen is valid. Hence, the petitioner was directed to let any evidence on his side. But, though the opportunities were given to the petitioner no evidence was let in by the petitioner and subsequently he was absent and hence, on 27-9-2017, the evidence of petitioner side was closed and argument was heard. Since, this Court has held that the domestic enquiry is

valid and conducted in accordance with the principles of natural justice, it is to be decided that whether findings of the Enquiry Officer is based on the evidence and whether it is reasonable one and whether the punishment of termination from service is proportionate to the gravity of misconduct.

8. On the above aspect, the evidence let in by the respondent management and the petitioner before the Enquiry Officer and documents exhibited are carefully considered. The evidence of the respondent management would go to show that the petitioner has committed the misconduct of illegal gratification against the patient and therefore, the findings of the Enquiry Officer holds good and hence, the punishment is given proportionate to the gravity of the misconduct by the disciplinary authority which is absolutely based on the evidence let in before him and other circumstances. Hence, the termination of the petitioner from service is absolutely valid and sustainable and hence, the industrial dispute raised by the petitioner against the respondent management over his non-employment is not justified and therefore, this Court finds that the petitioner is not entitled for any relief as claimed by him and as such the petition is liable to be dismissed.

9. In the result, the petition is dismissed. No cost.

Dictated to Stenographer, transcribed by her, corrected and pronounced by me in the open Court on this the 28th day of September, 2017.

G. THANENDRAN,
Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Puducherry.

List of petitioner's witnesses: Nil.

List of petitioner's exhibits: Nil.

List of respondent's witnesses: Nil.

List of respondent's exhibits:

- Ex. R1 23-02-2013 Copy of the confirmation letter given by the respondent to the petitioner.
- Ex. R2 05-02-2014 Copy of the complaint letter given by patient's attender one Mrs. A. Guna to the respondent.
- Ex. R3 15-02-2014 Copy of the charge-memorandum given by the respondent to the petitioner.

- Ex. R4 17-02-2014 Copy of the letter given by the petitioner to the respondent.
- Ex. P5 18-02-2014 Copy of the domestic enquiry proceedings against the petitioner.
- Ex. R6 18-02-2014 Copy of the findings of the Enquiry Officer.
- Ex. R7 19-02-2014 Copy of the order passed by the respondent against the petitioner its postal registration slip.
- Ex. R8 — Copy of the letter given by the petitioner to the Conciliation Officer, Labour Department, Puducherry.

G. THANENDRAN,
Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Puducherry.

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 160/Lab./AIL/T/2017,
Puducherry, dated 23rd October 2017)

NOTIFICATION

Whereas, the Award in I.D.(T)No.02/2015, dated 28-9-2017 of the Industrial Tribunal, Puducherry in respect of the industrial dispute between the Management of M/s. Tamil Nadu State Transport Corporation, Puducherry and Pudukai Pradesa Pokkuvarathu Thozhilalar Sangam, Puducherry, over reimbursement of medical expenses under the medical reimbursement scheme to the petitioner Thiru K. Ramakrishnan, Driver, has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by the Secretary to Government (Labour), that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

S. MOUTTOULINGAM,
Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT AT PUDUCHERRY**

Present : Thiru G. THANENDRAN, B.COM.,M.L.,
Presiding Officer.

Thursday, the 28th day of September 2017

I.D. (T) No. 02/2015

Pudukai Pradesa Pokkuvarathu Thozhilalar Sangam,
No. 20, Cuddalore Road, Ariyankuppam,
Puducherry-605 007. . . Petitioner

Versus

The Managing Director,
M/s. Tamil Nadu State Transport Corporation,
Puducherry Depot, Uppalam,
Puducherry-605 001. . . Respondent

This industrial dispute coming on 20-9-2017 before me for final hearing in the presence of Thiru Durai Arumugam, Representative for the petitioner, the respondent being called absent and set *ex parte*, upon hearing the petitioner and perusing the case records, this Court passed the following:

AWARD

1. This industrial dispute arises out of the reference made by the Government of Pondicherry, *vide* G. O. Rt. No. 21/AIL/Lab./J/ 2015, dated 17-3-2015 of the Labour Department, Pondicherry to resolve the following dispute between the petitioner and the respondent, *viz.*,

(a) Whether the dispute raised by the Pudukai Pradesa Pokkuvarathu Thozhilalar Sangam over reimbursement of medical expenses under the medical reimbursement scheme to the petitioner Thiru K. Ramakrishnan, Driver against the management of M/s. Tamil Nadu State Transport Corporation is justified?

(b) If justified, what relief the workman is entitled to?

(c) To compute the relief if any, awarded in terms of money if, it can be so computed?

2. In spite of due service of notice the respondent called absent and the respondent was set *ex parte*.

3. In the course of enquiry, on the side of the petitioner PW1 was examined and Ex.P1 to Ex.P9 were marked.

4. The point for determination is:

Whether the dispute raised by the petitioner union, over reimbursement of Medical expenses under the medical reimbursement scheme to the petitioner Thiru K. Ramakrishnan, Driver against the respondent management is justified or not and if justified, what is the relief entitled to the petitioner Thiru K. Ramakrishnan.

5. Heard. The learned Counsel for the petitioner has filed a written argument and the same is carefully perused. Though the Government has referred this case for adjudication against the respondent M/s. Tamil Nadu State Transport Corporation, Puducherry Depot, the petitioner sangam has filed a claim statement, proof affidavit, written argument against M/s. Tamil Nadu Government Transport Corporation, Salamedu, Vazhuhareddy, Villupuram District, Tamil Nadu.

6. It is the evidence of the petitioner Ramakrishnan that he was working at the respondent establishment for about 30 years and he was affected by heart disease and that there was bulge in the heart vein and he was taken treatment at A.G. Padmavati's Hospital with the help of heart specialists and they have advised to undergo an operation and the petitioner had admitted at Shree Chitra Tirunal Institute for Medical Sciences and Technology, Thiruvananthapuram to undergo an operation which is not under the list of insurer of the respondent and the petitioner has approached the Managing Director of the respondent corporation for getting no objection certificate to undergo operation at the said hospital through letters but, the said letters has not been replied by the respondent corporation and that therefore, the petitioner has paid ₹ 1,50,000 to the Hospital for which cheque was issued and petitioner was discharged from Hospital after 10 days from operation he was asked for a sum of ₹ 13,598 and the same was paid by him and thereafter, he approached the respondent corporation for reimbursement of ₹ 1,63,598 under the registered post which was received by the respondent but, it has not been replied by the respondent corporation and the amount has also not been reimbursed to the petitioner.

7. In support of case, the petitioner Ramakrishnan has exhibited Ex.P1 to Ex.P9. Ex.P1 is the copy of the outpatient receipt of A.G. Padmavati's Hospital Limited. Ex.P2 is the copy of the requisition to issue no objection certificate given by the petitioner Ramakrishnan to the General Manager, India Health Care Services, Chennai. Ex.P3 is the copy of the requisition to issue no objection certificate given by the petitioner Ramakrishnan to the General Manager,

Tamil Nadu Government Transport Corporation. Ex.P4 is the copy of the payment bill of ₹ 1,50,000 by the petitioner Ramakrishnan to Sree Chitra Tirunal Institute for Medical Sciences and Technology. Ex.P5 is the copy of the Discharge summary. Ex.P6 is the copy of the payment bill by the petitioner Ramakrishnan to Sree Chitra Tirunal Institute for Medical Sciences and Technology. Ex.P7 is the copy of the requisition given by the petitioner Ramakrishnan to the General Manager, Tamil Nadu Government Transport Corporation. Ex.P8 is the copy of the order in G.O. Rt. No. 680. Ex.P9 is the copy of N.O.C. letter provided by Prof. Dr. M. Nachiappan. The order of the Government of Puducherry under Ex.P8 runs as follows:

“In the Government order first read above, orders have been issued for the implementation of New Health Insurance Scheme 2012 to provide Health Care Assistance to the employees of Government Departments, Public Sector Undertakings, Statutory Boards, Local Bodies, State Government Universities, Willing State Government Organisations / Institutions and their eligible family members with a provision to avail assistance up to ₹ 4.00 lakhs (Rupees four lakhs only) for a block of 4 years on selection of a suitable Public Sector Insurance Company through National Competitive bidding.”

From the above order, it is clear that the employees of State Governments, Public Sector undertakings, Statutory Boards, Local Bodies are entitled for the reimbursement of medical expenses under the scheme. The petitioner has taken treatment at Shree Chitra Tirunal Institute for Medical Sciences and Technology, Thiruvananthapuram for the purpose of getting heart treatment to save his life and hence mere not taking treatment at the recognised Hospital of the Insurer would not affect his claim and that therefore, the respondent is liable to pay medical expenses of the petitioner under the abovesaid reimbursement scheme and hence, the industrial dispute raised by the petitioner sangam against the respondent management over reimbursement of medical expenses under the medical reimbursement scheme to the petitioner Thiru K. Ramakrishnan, Driver, is justified and the petition is liable to be allowed and the petitioner K. Ramakrishnan is entitled for the relief as claimed by him.

8. In the result, the petition is allowed and the industrial dispute raised by the petitioner sangam over reimbursement of medical expenses under the medical reimbursement scheme to the petitioner Thiru K. Ramakrishnan, Driver against respondent management is justified and the petitioner

Thiru K. Ramakrishnan is entitled to reimburse the medical expenses and an Award is passed by directing the respondent to permit the petitioner Thiru K. Ramakrishnan to reimburse the medical expenses. No cost.

Dictated to the Stenographer, transcribed by her, corrected and pronounced by me in the Open Court on this the 28th day of September, 2017.

G. THANENDRAN,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

List of petitioner's witness:

PW1 —03-12-2015— K. Ramakrishnan

List of petitioner's exhibits :

Ex.P1—01-10-2012 Copy of the outpatient receipt of A.G. Padmavati's Hospital Limited.

Ex.P2—24-12-2012 Copy of the requisition to issue no objection certificate given by the petitioner Ramakrishnan to the General Manager, India Health Care Services, Chennai.

Ex.P3—20.12.2012 Copy of the requisition to issue no objection certificate given by the petitioner Ramakrishnan to the General Manager, Tamil Nadu Government Transport Corporation.

Ex.P4—02-02-2013 Copy of the payment bill of ₹ 1,50,000 by the petitioner Ramakrishnan to Sree Chitra Tirunal Institute for Medical Sciences and Technology.

Ex.P5—11-02-2013 Copy of the Discharge summary.

Ex.P6—11-02-2013 Copy of the payment bill by the petitioner Ramakrishnan to Sree Chitra Tirunal Institute for Medical Sciences and Technology.

Ex.P7—19-04-2013 Copy of the requisition given by the petitioner Ramakrishnan to the General Manager, Tamil Nadu Government Transport Corporation.

Ex.P8—29-07-2013 Copy of the order in G.O. Rt. No. 680.

Ex.P9—26-06-2017 Copy of N.O.C. letter provided by Prof. Dr. M. Nachiappan.

List of respondent's witnesses : Nil.

List of respondent's exhibits : Nil.

G. THANENDRAN,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

**GOVERNMENT OF PUDUCHERRY
DEPARTMENT OF PERSONNEL AND
ADMINISTRATIVE REFORMS (PERSONNEL WING)**

(G.O. Ms. No. 71, Puducherry, dated 10th November 2017)

NOTIFICATION

The Lieutenant-Governor, Puducherry, is pleased to order the following reallocation of Subjects among I.A.S., Officers in addition to the Subjects/Departments already being held by them with immediate effect.

| Sl. No. | Name of the Officer | Subjects allocated |
|---------|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| (1) | (2) | (3) |
| | Tvl. | |
| 1. | Dr. V. Candavelou, I.A.S., CEO/Commissioner-cum- Secretary to Government (Finance). | Health |
| 2. | Dr. S. Sundaravadivelu, I.A.S., Secretary to Government (Personnel). | Cooperation and HRI |
| 3. | R. Mihir Vardhan, I.A.S., Secretary to Government (Works). | Science, Technology and Environment. |
| 4. | D. Manikandan, I.A.S., Secretary to Government (Agriculture). | Sainik Welfare and Freedom Fighters Cell. |
| 5. | P. Parthiban, I.A.S., Secretary to Government (Fisheries). | Industries and Commerce, Transport, Port, Tourism and, Wakf and Minorities Affairs. |

(By order of the Lieutenant-Governor)

ASHWANI KUMAR,
Chief Secretary to Government.