



# புதுச்சேரி மாநில அரசிதழ்

## La Gazette de L'État de Poudouchéry The Gazette of Puducherry

அதிகாரம் பெற்ற வெளியீடு

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### பொருளடக்கம்

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**GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT**

(G.O. Rt. No. 12/Lab./AIL/T/2018,  
Puducherry, dated 5th February 2018)

**NOTIFICATION**

Whereas, an Award in I.D (T) No. 03/2011, dated 18-12-2017 of the Industrial Tribunal, Puducherry in respect of the Industrial Dispute between the management of M/s. Pond's Exports Limited, Footwear Factory, Puducherry and the Pondicherry Hindustan Lever Thozhilalar Sangam, Puducherry, over transfer of 66 workmen (as mentioned in the Annexure) 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).

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

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

*Monday, the 18th day of December 2017*

**I.D. (T) No. 03/2011**

Pondicherry Hindustan Lever Thozhilalar Sangam,  
Reg. No. 970/RTU/95,  
Rep. by its President S. Pannirdasse,  
Registered Office at No. 207,  
LIG Housing Board,  
Kurumbapet,  
Muthiraiyarpalayam,  
Puducherry-605 009. . . Petitioner

*Versus*

M/s.. Pond's Exports Limited,  
Footwear Factory,  
(Subsidiary of M/s. Hindustan Unilever Limited,  
Rep. by its Factory Manager,  
Post Box No. 18, Vazhuthavur Road,  
Puducherry-605 009. . . Respondent

This industrial dispute coming on 24-11-2017 before me for final hearing in the presence of Thiruvallargal P.R. Thiruneelakandan and A. Mithun Chakkaravarthy, Counsel for the petitioner, Thiruvallargal L. Sathish, N. Krishnamurthy, T. Pravin and V. Veeraragavan, Advocates for the respondent, upon hearing both sides, 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. 83/AIL/Lab./J/2011, dated, 08-04-2011 for adjudicating the following:-

(i) Whether the dispute raised by Pondicherry Hindustan Lever Thozhilalar Sangam, over transfer of 66 workmen (as mentioned in the Annexure) by the management of M/s. Pond's Exports Limited, (Footwear Factory), Puducherry is justified? If not, to give appropriate directions?

(ii) To what relief the 66 workmen represented by Pondicherry Hindustan Lever Thozhilalar Sangam are entitled to?

(iii) Whether the dispute raised by Pondicherry Hindustan Lever Thozhilalar Sangam, over closure of the unit by the management is legal and justified? If justified, to give appropriate directions?

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

2. It is the case of the petitioner union that it is the registered trade union and the members of the union are the workers of the respondent establishment which manufacturing show and other allied products and also exporting the same and the respondent factory was started business in the year 1989 and these workers were appointed in the year 1989 and their services have been confirmed as permanent workers and the respondent establishment has paid wages and other allowances and incentives to the workers as per the settlement entered between the union and the respondent from time to time once in every 4 year and the petitioners were paid wages only at ₹ 2,000 per month and after several settlement the salary of the workers have been considerably increased after 22 years and as per the last settlement, dated 24-10-2002, the permanent employees derived about ₹ 10,000 to ₹ 15,000 as a salary per month and the said settlement came to an end in the year 2006 and after the expiry of the said settlement the union has submitted the new charter of demand in the year 2007 and in the

meanwhile the respondent recruited the contract workers for very meagre wage of ₹ 2,000 to ₹ 3,000 and engaged them in direct manufacturing activity along with the permanent workers and on 18-04-2008 the fresh charter of demand was submitted by the petitioner union to revise the wages and allowances and the respondent management did not want to continue to engage the permanent workers and to reduce the permanent workers the respondent management has announced Voluntary Retirement Scheme and out of 163 permanent workers, 97 workers were accepted Voluntary Retirement Scheme and the petitioner union has not accepted the same and demanded for continuous employment and the respondent management has stopped the production with effect from effect from 21-10-2008 and the respondent management also has threatened the workers that they are going to close the factory and they are going to transfer the workmen to other state if, they failed to opt Voluntary Retirement Scheme on or before 30-10-2008 and the workers have preferred a complaint regarding apprehension of closure of factory and transfer of workers before the Labour Officer (Conciliation) and while dispute is pending without the permission of the Labour Officer (Conciliation), the respondent management has closed down the factory on 30-10-2008 and transferred 66 workers to other places and that therefore, the union has raised the dispute regarding the illegal closure and illegal transfer of workers and prayed to hold the transfer of 66 reference mentioned workmen by the respondent is unjustified and illegal as it is *mala fied* and colourable exercise and the transfer order are violation of section 0-A. 33, 25-E of the Industrial Disputes Act and to hold that the closure of the factory is illegal as it is violation, of section 25-O of the Industrial Disputes Act and to direct the respondent to reinstate the reference mentioned petitioner union members with back wages, continuity of service and all other attendant benefits and to Award compensation benefits to the petitioner union members for the period of illegal closure.

3. On the other hand, it is the contended by the respondent that though it is a subsidiary of M/s. Hindustan Unilever Limited, a multinational company, it is a separate entity, engaged in the business of manufacturing foot-wears and 163 permanent workmen are working in this factory and it is entirely dependent on export orders received from overseas customers and due to business fluctuations, outsourcing was also done based on need and certain preparatory operations were also done by third party units situated in and around Pondicherry

which was always part of respondent's manufacturing operations for a long period and the salary was based on 'Industry-cum-Region'-wise increase and the age of the factory and they paid the best salary package to its workers, the average salary for the unskilled and skilled workers were around ₹ 8,500 to ₹ 9,600 respectively and the wage and other allowances and incentives were determined and paid by them as per the Long-term settlement from time to time and that they had three unions including the petitioner union and the petitioner union is the minority union with only 6 workers as its members and that the majority trade unions (PELWWA) entered into a settlement with them on 24-10-2002 for which the petitioner union has not accepted the terms of the said settlement and raised industrial dispute in I.D. 02/2002 for wage revision which was dismissed on merits on 19-12-2006 and the said Award was confirmed by the Hon'ble High Court in W.P. No. 25952/2008 and the two majority trade union placed its charter of demands for wage revision and other benefits on 27-11-2006, but, the petitioner's union submitted its charter of demands only in the year 2008 and even before the expiry of long-term settlement on 30-09-2006 the respondent engaged in various dialogues and negotiation with the majority union and majority of workers and the respondent was always willing to offer a reasonable increase in wages and other benefits but, the demands of the union far-reached the sensibilities and therefore, no settlement could be concluded and in order to pressurize respondent to accept unreasonable demands of wage revision, the workers resorted to various illegal actions including go-slow over several months as against the average production and thus, hurt the business drastically and since February, 2007, the respondent repeatedly communicated to all the workmen through various notices and letters about the danger of such go-slow agitation by the workmen, especially in an export unit which is sensitive to both price as well as timely deliveries which directly impact the viability of the factory and the continuous loss for more than one and half years due to the illegal activities of the workers and since, the unit had become completely unviable respondent had no options but, to suspend its production activities with effect from 21-10-2008 and however, the respondent in its wisdom by considered the collective benefits of its workers and was inclined to be more generous and gratuitous towards its workers who had served the company for good number of years, instead of closing down the factory, the respondent offered a handsome and generous voluntary retirement scheme package to all its workers which

was far better than the legal compensation payable to workers in the event of closure of the unit and 97 workers out of 163 workers accepted voluntary retirement scheme received monetary benefits under the said scheme and submitted their resignation and only 66 workmen were not interest in the voluntary retirement scheme and requested for continuous employment preferably in the same unit or any other units in Puducherry and the respondent could not accommodate 66 workers in Puducherry and hence it decided to transfer 66 workmen to other factories in the nearby states for which the petitioner raised objection in various forms of agitations including illegal strike, gheraoing, picketing, obstructing movement of men and materials, compelling respondent to approach Civil Court in O.S. No. 1476/2008 seeking injunction against the striking workers and the petitioner also gave complaints to various authorities, filed Writ Petitions challenging the transfers and conciliation proceedings.

4. In the course of enquiry on the side of the petitioner PW1 was examined and Ex.P1 to Ex.P91 were marked and on the side of the respondent RW1 was examined and Ex.R1 to Ex.R73 were marked.

5. The point for consideration is:

(i) Whether the dispute raised by the petitioner union over transfer of 66 workmen (as mentioned in the Annexure) by the respondent management is justified or not and what is the relief entitled to the said 66 workmen.

(ii) Whether the dispute raised by the petitioner union over closure of the unit by the management is legal and justified or not.

6. Both sides are heard. The submission of both the parties, the evidence let in by either sides and the exhibits marked on both sides are carefully considered. On both sides, written arguments were filed and the same were carefully considered. The learned Counsel for the petitioner relied upon the judgment reported in 1974(79) Cal.W.N.410 : 1975 LIC 1153, AIR 1960 SC 777, 1970(1) SCC 225, (2005) 3 SCO 202, AIR 2005 SC 1555(1), 2012(3) LLN 358 (Mad.), (2002) 2 SCC 244, (2000) II LLJ 1005 Mad., 1986 I LLJ 506 and also relied upon several judgments. The learned Counsel for the respondent also relied upon the Judgement reported in W.P.(C).2116/2010 of Delhi High Court, dated 11-09-2012, CDJ 2015 MHC 790, CDJ 1979 MHC 021, CDJ 1984 SC 083, CDJ 2004 MHC 2066, W.P.6663/2002 of Jharkhand High Court, dated 26-06-2009, CDJ 1991 MPHC 166, CDJ 2003 Kar HC 209, CDJ 2003 MHC 315, CDJ 2001 SC 260, CDJ 2015 MHC 4789.

7. *On point No. 1;*

The main contention of the petitioner union is that the respondent management has illegally closed the factory by announcing the voluntary retirement scheme against the employees who have filed the charter of demands on 18-04-2008 before the Conciliation Officer for the revision of wages and other allowances and while the union members have not accepted the voluntary retirement scheme and demanded continuous employment in the respondent factory, the respondent management has illegally closed the factory on 30-10-2008 and illegally transferred the 66 workers of the petitioner union on 01-11-2008 and therefore, the petitioner union has raised the industrial dispute, over the transfer against the respondent management.

8. On the other hand, it is contended by the respondent management that the petitioner union is not the majority union and it has only 6 members and the workers were in go slow production and the production was drastically dropped and no improvement in production, the respondent management has suspended the production at the respondent factory on 21-10-2008 and on the same day the respondent management has announced voluntary retirement scheme to the workers and that out of 163 permanent workers 97 workers were opted for voluntary retirement scheme and they have been settled and rest of the 66 workers who have not opted voluntary retirement scheme have been transferred on their own request and that therefore, the respondent management has not lockout or close down the factory and therefore no violation of section 25(o) of the Industrial Disputes Act and there is no illegal violation committed by the respondent management.

9. From the pleadings of both the parties it can be noticed that following facts are admitted by both the parties that the petitioners are the permanent workers of the respondent establishment and that there was a dispute regarding the wage revision between the petitioner union and the respondent management and the petitioner union has raised the industrial dispute regarding the wage revision and since no settlement was arrived at between the petitioner and the respondent management they raised the industrial dispute before the Conciliation Officer and subsequently the respondent management has suspended their production from 21-10-2008 and announced voluntary retirement scheme and thereafter, 97 workers out 163 permanent workers were accepted voluntary retirement scheme and they

have been settled and rest of the 66 workers have not accepted the voluntary retirement scheme and they have asked for continuous employment in the respondent factory and the respondent management has transferred the said 66 workers to their branches even outside the State of U.T. of Puducherry and hence, the petitioner union has raised the industrial dispute which was referred by the Government to this Court for adjudication.

10. In order to prove the case the petitioner union has examined PW1 and it is the evidence of PW1 that the petitioner union members are the permanent workers of the respondent establishment and the union has been registered under the Trade Union Act in the year 1995 and they have raised an industrial dispute for wage revision which was refused by the management before the Conciliation Officer and that ₹ 2,000 to ₹ 3,000 were paid as monthly wages to the members of the petitioner union though the respondent management has paid huge salary to the executives of the establishment and that the respondent management has refused to revise the wages as per the demand of the petitioner union and that therefore, on 04-04-2000 they submitted a charter of demands before the respondent Industry and the same was refused by the respondent establishment and thereafter, they raised an industrial dispute before the Conciliation Officer on 30-04-2002 and on failure the case has been referred to this Court for adjudication and the same was taken on file in I.D(T).No. 02/2002 by the Industrial Tribunal and the claim statement was filed by the union on behalf of 194 workers and when the I.D was running before the Tribunal, the respondent management has created a labour union in the name of Ponds Exports Limited Workers Welfare Association as puppet union and they have entered into the wage settlement in which the members of the union have also compelled to sign the said settlement and the respondent establishment also has compelled to sign within 31-10-2002 and all other workers excepted the members of the petitioner union signed the said settlement and the said I.D(T). 02/2002 was dismissed by the Tribunal stating that most of the employees have accepted the settlement for revision of wages and since, the said settlement was in force for about 4 years the petitioner union has raised the another demand on behalf of 81 workers for revision of wages and other requirements, while so the members of Ponds Exports Limited Workers Welfare Association was divided by 20 workers and they have created a new union in the name of Ponds Exports Limited Workers Union and they have also raised the

charter of demands before the respondent establishment and while so, the petitioner union also has raised the demand on 31-03-2008 with 81 members and submitted a requisition to the management, while so, the puppet union Ponds Exports Limited Workers Welfare Association made an attempt to enter into an agreement and the petitioner union has sent a letter along with 81 members list as that they are the majority union and however, the respondent establishment has not considered the charter of demands raised by the petitioner union and that therefore, on 18-04-2008, the industrial dispute was raised by the petitioner union and that therefore, on 21-05-2008 both the parties are directed to appear before the Conciliation Officer and notice was given to both parties wherein, the conciliation was failed and the respondent establishment has not supplied the raw materials to raise the production and has arranged a third party unit Aroma Leathers and Malik Leathers to produce the leather shoes and further the respondent establishment is manufacturing the shoes also at Vazhudavur Industry and it gives more order to Aroma Leathers and Malik Leathers to produce the shoes and though, the respondent management has suspended the production at respondent Industry in the month of October, 2008, they are doing the same manufacturing business through Aroma Leathers and Malik Leathers and earning more than the profit and that therefore, a complaint has been sent by the petitioner union on 21-05-2010 to the Inspector of Factories and that since the petitioner union and other union workers have asked the revision of wages the respondent management has closed down the factory and announced the voluntary retirement scheme on 21-10-2008 and workers have been compelled to opt voluntary retirement scheme on or before 25-10-2008 and 97 workers out of 163 workers opted voluntary retirement scheme and these petitioners 66 workers have not opted voluntary retirement scheme and as they have not opted voluntary retirement scheme they have been transferred to various places of the respondent establishment and that therefore, the transfer of 66 workers are *mala fide* and act of the transfer of 66 workers is unjustified and that therefore, they have raised the industrial dispute before the Conciliation Officer against the transfer of 66 workers.

11. In support of their case the petitioner union has exhibited Ex.P1 to Ex.P91. Ex.P1 is the copy of the petitioner union registration certificate. Ex.P2 is the copy of the petitioner union members list. Ex.P3 is the copy of the documents relates to salary structure of the Executive of the respondent management. Ex.P4 is

the copy of the petitioner union charter of demand submitted to the respondent management. Ex.P5 is the copy of the counter demand raised by the respondent management. Ex.P6 is the copy of the Minutes of meeting before the Conciliation Officer. Ex.P7 is the copy of the conciliation failure report. Ex.P8 is the copy of the Government reference. Ex.P9 is the copy of the claim statement. Ex.P10 is the copy of the letter of the individual worker accepting the 18(1) settlement. Ex.P11 is the copy of the order passed by the Hon'ble Court in W.P. No. 25952 of 2008. Ex.P12 is the copy of the charter of demand submitted by the petitioner union on behalf of its 81 members. Ex.P13 is the copy of the petitioner union's letter to the respondent management claiming majority status. Ex.P14 is the copy of the conciliation notice on the petitioner union dispute dated 18-04-2008. Ex.P15 is the copy of the Licence issued by the Inspector of Factory to the respondent under the Factories Act. Ex.P16 is the copy of the delivery challan stands in the name of respondent which shows. the respondent engaging manufacturing activity in the name of Aroma and Malic Leathers. Ex.P17 is the copy of the profit and loss account of respondent and form 23AC submitted before the company Law Board. Ex.P18 is the copy of the petitioner union objection to the Inspector of Factories. Ex.P19 is the copy of the trade union complaint to the PW authority. Ex.P20 is the copy of the trade union complaint to the PWA authority. Ex.P21 is the copy of the High Court order in WP.No.24521 of 2008. Ex.P22 is the copy of the VRS application issued by the respondent. Ex.P23 is the copy of the letter issued by the respondent on receipt of the VRS application. Ex.P24 is the copy of the details of the resigned employees in Aroma and Malic. Ex.P25 is the copy of the petitioner union complaint to the Commissioner of Labour, Conciliation Officer regarding production in third party unit. Ex.P26 is the copy of the petitioner union complaint to the Commissioner of Labour, Conciliation Officer regarding production in third party unit. Ex.P27 is the copy of the petitioner union complaint to the Commissioner of Labour regarding lock out. Ex.P28 is the copy of the petitioner union complaint regarding removal of machinery. Ex.P29 is the copy of the petitioner union complaint regarding closure of production planning control and lock out. Ex.P30 is the copy of the petitioner union objection to the respondent. Ex.P31 is the copy of the petitioner union complaint to the Superintendent of Police. Ex.P32 is the copy of the petitioner union complaint to the Inspector of Police. Ex.P33 is the copy of the news published

in the Dinakaran regarding removal of machinery to the respondent factory. Ex.P34 is the copy of the petitioner union complaint to the Government regarding removal of machinery and its courier receipt. Ex.P35 is the copy of the objection letter to the Commissioner of Labour regarding shifting of factory. Ex.P36 is the copy of the objection letter to the Commissioner of Labour regarding shifting of factory. Ex.P37 is the copy of the objection letter of the HUL Employees Union. Ex.P38 is the copy of the objection letter of the HUL TEA Union. Ex.P39 is the copy of the petitioner union complaint to the Conciliation Officer, *etc.*, regarding transfer of workmen. Ex.P40 is the copy of the petitioner union complaint to the Conciliation Officer, *etc.*, regarding transfer of workmen. Ex.P41 is the copy of the petitioner union complaint regarding closure of factory. Ex.P42 is the copy of the petitioner union letter to the Commissioner of Labour, Secretary to the Labour Department. Ex.P43 to Ex.P48 are the copy of the Conciliation Officer notice. Ex.P49 is the copy of the Conciliation Officer notice and dispute, dated 18-04-2008 raised by the petitioner union for charter of demands for wage revision. Ex.P50 is the copy of the conciliation failure report. Ex.P51 is the copy of the conciliation failure report over the dispute of closure of factory. Ex.P52 is the copy of the Government reference. Ex.P53 is the copy of the High Court order in Writ Petition No. 26180 of 2008, 23319/2009, 399/2010. Ex.P54 is the copy of the Government reference as per the High Court. Ex.P55 is the copy of the report of the Inspector of Factories. Ex.P56 is the copy of the Conciliation Officer notice. Ex.P57 is the copy of the list of machinery removed from the factory. Ex.P57A is the copy of the memorandum of Ground filed in CRP.PD. No. 294 of 2011. Ex.P58 is the copy of the commissioner's show cause notice to the respondent. Ex.P59 is the copy of the news published in the daily news paper. Ex.P60 is the copy of the ESI treatment refusal letter. Ex.P61 is the copy of the news published in the Dinathanthi regarding profit of the respondent company. Ex.P62 is the copy of the petitioner letter to the Director, Labour Department, New Delhi. Ex.P63 is the copy of the petitioner letter to the Secretary to the Government, Labour Department, New Delhi. Ex.P64 is the copy of the acknowledgment card to letter, dated 21-05-2010. Ex.P65 is the copy of the petitioner union letter to the Secretary to the Government, Labour Department, Puducherry. Ex.P66 is the copy of the petitioner union complaint to the Inspector of Factories. Ex.P67 is the copy of the Award of the Labour Court in I.D. 8 of

2008 and I.D.No. 4 of 2001. Ex.P68 is the copy of the transfer letter. Ex.P69 is the copy of the details of the transfer workmen submitted to the Conciliation Officer. Ex.P70 is the copy of the petitioner union letter to the respondents. Ex.P71 is the copy of the petitioner union letter to the respondents. Ex.P72 is the copy of the petitioner union letter to the respondents. Ex.P73 is the copy of the petitioner union letter to the Inspector of Factories. Ex.P74 is the copy of the Form 20B. Ex.P75 is the copy of the Form 20B. Ex.P76 is the copy of the Form 20B. Ex.P77 is the copy of the declaration Form submitted by respondent before Central Excise Department. Ex.P78 is the copy of the export Invoice of 3rd respondent. Ex.P79 is the copy of the export invoice-cum-delivery challan. Ex.P80 is the copy of the export invoice-cum-delivery challan. Ex.P81 is the copy of the export invoice-cum-delivery challan. Ex.P82 is the copy of the Form 23 AC. Ex.P83 is the copy of the Form 23 AC. Ex.P84 is the copy of the Form 23 AC. Ex.P85 is the copy of the Form 23 AC. Ex.P86 is the copy of the packing list in Poothurai Factory. Ex.P87 is the copy of the invoice-cum-challan. Ex.P88 is the copy of the invoice. Ex.P89 is the copy of the respondent declaration submitted before Central Excise Department. Ex.P90 is the consignee copy of respondent factory. Ex.P91 is the copy of the Tax information of the respondent factory.

12. On the other hand, to prove their contention the respondent management has examined RW1 and it is the evidence of RW1 that the petitioner union has got only 6 members and it is not a majority union and apart from the petitioner union two majority unions were functioning at the respondent establishment and the reference mentioned 66 workers are not the members of the petitioner union and that they have not illegally closed the factory and that they have announced the voluntary retirement scheme only for the reason that the production was suspended by the respondent establishment since they have met loss due to workers extracted various illegal actions including go-slow over several months as against average production and further, it is the evidence of respondent management witness RW1 that repeated communication to all the workmen through various notices and letters to the unions about the danger of such go-slow production of the workmen especially in an export unit which is sensitive to both price as well as timely deliveries which directly impact the viability of the factory and even then there was no improvement in productivity, the undertaking had to cease production on 21-10-2008 and the respondent Industry was incurring loss in its business because of their agitation and

uncompromising attitude coupled with other variable factors and profit margin of the respondent started declining considerably and therefore, the respondent was entirely dependent on the work force to increase not only the quantity of productions but, also the quality of production and the respondent Industry met with heavy loss more than 1 ½ years and the unit had become completely unviable and there were no new orders for production it had no options but, to suspend the production activities with effect from 21-10-2008 and therefore, instead of closing down the factory the respondent offered a handsome and generous voluntary retirement scheme package to all its workers which was far better than the legal compensation payable to workers in the event of closure of the unit and announced the voluntary retirement scheme and 97 workers out of 163 workers accepted the voluntary retirement scheme out of their own will and received monetary benefits under the voluntary retirement scheme by submitting their resignation and only 66 workmen have not interested in the said scheme and they are willing to be placed in any other factory of the respondent and that therefore, they have been transferred to other factory of the respondent and that the transfer order were not accepted by 66 workers and they have raised agitations in various forms including illegal strike, gheraoing, picketing, obstructing movement of men and materials compelling the respondent to approach the Civil Court since, the conciliation was failed before the Conciliation Officer.

13. In support of their contention the respondent management has exhibited Ex.R1 to Ex.R73. Ex.R1 is the copy of the long-term settlement 2002-2006 Memorandum of Understanding. Ex.R2 is the Copy of the letter from PHLTS union. Ex.R3 is the copy of the various notices/letter and warnings given by respondent on the go slow adopted by petitioner and communication by the unions on such go slow. Ex.R4 is the copy of the letter to workers by co-ordinated union's association regarding VRS. Ex.R5 is the copy of the notice on VRS announcement by management. Ex.R6 is the copy of the notices on VRS announcement by management, VRS additional amount by management and other benefits of VRS by management. Ex.R7 is the copy of the notice to the VRS opted employees and Union letter to Conciliation Officer. Ex.R8 to Ex.R13 are the confirmation order of the employees Ex.R14 is the copy of the certified standing orders of respondent company. Ex.R15 is the copy of the notice displayed on notice-board of the respondent giving the details of transfer to 66 workers. Ex.R16 is the Registered letter addressed to

the president of the petitioner union namely, Pannirdasse to his residence which was returned to respondent with endorsement of "Not claimed". Ex.R17 is the returned postal cover addressed to president of the petitioner union namely Pannirdasse to his residence which was returned to respondent with endorsement of "Refused". Ex.R18 is the copy of the affidavit filed by the respondent in I.A.7/2009 in I.A.253/2008 in OS. 1476/2008 on the file of Principal District Munsif at Puducherry for appointment of Advocate Commissioner for shifting goods, materials and products from the respondent's factory premises along with counter statement filed by the petitioner. Ex.R19 is the copy of the Order in I.A.78/2009 in O.S. 1476/2008. Ex.R20 is the Advocate Commissioner report in LA.78/2009 in O.S.No. 1476/2008. Ex.R21 is the copy of the union letter to Factory Manager. Ex.R22 is the copy of the union letter to Labour Commissioner. Ex.R23 is the copy of the letter to Station House Officer. Ex.R24 is the copy of the letter to Thasildar. Ex.R25 is the copy of the report in non-cognizable offence. Ex.R26 is the copy of the transfer orders sent to all the 66 workers involved in present dispute. Ex.R27 is the copy of the union letter to Government Authorities on VRS. Ex.R28 is the copy of the union letter to Conciliation Officer on VRS. Ex.R29 is the copy of the advisory notice on overstay, Ex.R30 is the copy of the letter from Conciliation Officer on service condition. Ex.R31 is the copy of the reply to Conciliation Officer notice 06-11-2008. Ex.R32 is the copy of the letter to Inspector of Factories on inspection. Ex.R33 is the copy of the letter to Conciliation Officer on Over stay. Ex.R34 is the copy of the report from Police Station to Labour Commissioner. Ex.R35 is the copy of the notice on over stay. Ex.R36 is the copy of the complaint letter to Police Station by management. Ex.R37 is the copy of the notices on over stay. Ex.R38 is the copy of the notices on over stay. Ex.R39 is the copy of the letter to Station House Officer on unauthorized protests. Ex.R40 is the copy of the notice to all the transferred employees. Ex.R41 is the copy of the notice to enquiry from Conciliation Officer. Ex.R42 is the copy of the reply to Conciliation Officer notice. Ex.R43 is the copy of the notice from Commissioner of Labour. Ex.R44 is the copy of the letter by management on Wage dispute to Labour Commissioner. Ex.R45 is the copy of the notice from Commissioner of Labour. Ex.R46 is the copy of the reply letter to Notice from LC, dated 22-12-2008. Ex.R47 is the copy of the letter from Management to Conciliation Officer on 2248/08/LO©/AIL dispute.

Ex.R48 is the copy of the letter from Union to Labour Commissioner. Ex.R49 is the copy of the report on failure of conciliation. Ex.R50 is the copy of the Government order-Labour Department reference of ID. Ex.R51 is the copy of the show cause notice from Labour Department. Ex.R52 is the copy of the reply from Management on show cause notice. Ex.R53 is the copy of the letter from Arokiadass on request for VRS. Ex.R54 is the copy of the letter from P. Janakiraman on request for VRS. Ex.R55 is the copy of the points discussed during the meeting on 17-02-2010. Ex.R56 is the copy of the agreement with Maulick Leather Crafts. Ex.R57 to Ex.R66 are the copy of the Maulick Leather Crafts renewal letters. Ex.R67 is the copy of the certificate of registration under Contract Labour (Regulation & Abolition) Act, 1970. Ex.R68 is the copy of the Factory Licence copy. Ex.R69 is the computer generated list of the employees at Poothurai Unit, who have received VRS announced by Pond's Exports Limited and left services. Ex.R70 is the copy of the cessation of manufacturing operation letter given by Pond's Exports Limited to Deputy Director of Industrial Safety and Health, Villupuram District, Tamil Nadu. Ex.R71 is the copy of cessation of manufacturing operation letter given by Pond's Exports Limited to Joint Director of Industrial Safety and Health, Villupuram District, Tamil Nadu. Ex.R72 is the copy of letter addressed by Pond's Exports Limited, surrendering factory licence of Poothurai unit to Joint Director of Industrial Safety and Health, Villupuram District, Tamil Nadu. Ex.R73 is the copy of letter addressed by Pond's Exports Limited, surrendering factory licence of Poothurai unit copy marked to Deputy Director of Industrial Safety and Health, Villupuram District, Tamil Nadu.

14. It is the first contention of the respondent establishment that the petitioner has only 6 members and they could not represent for the 66 workmen and the 66 workmen have not signed the dispute raised by the petitioner union on 29-08-2008 and it only signed by the office bearers and the letter exhibited under Ex.P39 though signed by 66 workmen which was given to the Labour Officer which is not a letter for authorization to file the claim statement or to raise the industrial dispute on behalf of them and that the letter under Ex.P39 is not at all sufficient enough to authorize the petitioner to raise the present industrial dispute and the said Ex.P39 would not complete requirement of sec.36 of Industrial Disputes Act to represent the other workmen who have not signed. On this aspect records submitted by the petitioner are



carefully perused. On perusal of records, it could be seen that the petitioner union has exhibited the certificate of registration of trade union and its members list. The certificate of registration of trade union is exhibited as Ex.P1. Though the petitioners have exhibited the members of the union list as Ex.P2 it does not authorize by anybody else, just the petitioner union has listed the members along with the token number and even the said workmen have not signed in the list or authorize by anybody to represent on behalf of them. On perusal of Ex.P39 under which the petitioner union has raised the industrial dispute before the Conciliation Officer, it is learnt to this Court that all the 66 members have signed the said document. Furthermore, the Ex.P54 is the reference which is sent to this Court attached with the annexure and the Secretary of the Labour Department has signed the same and that therefore, the contention raised by the respondent management that the trade union has no authority to represent 66 workers is not sustainable and it is to be held that the union can represent the 66 workers.

15. The main contention of the petitioner union is that the members of the union the 66 workers have been *mala fidely* transferred by the respondent management from the respondent factory to other States with an intention to compel them to accept the Voluntary Retirement Scheme announced by the respondent management. On the other hand, it is the contention of the respondent management that the petitioner members had extracted various illegal activities and go slow over several months as against average production and therefore, the company met with a loss and the production chart of the year 2006 and 2007 would reveal the considerable reduction in productivity level and in October, 2008 the last average production of about 16 pairs for a day which was agreed to in the 12(3) settlement in 2002 it came down to 3.31 pairs per man while the expected average production of 16 pairs per man and since the respondent management has met with loss it suspend the production and announced Voluntary Retirement Scheme. The main allegation of the petitioner union is that on 18-04-2008 they have made charter of demands before the Labour Officer (Conciliation) for revision of wages and other allowances. The respondent management engaged contract workers in the direct manufacturing unit along with the permanent workers for a meager wage of ₹ 4,000 per month whereas, the workers who rendered 15 to 20 years where paid ₹ 10,000 to ₹ 15,000 per month and that the respondent management did not want to engage permanent workers

and while dispute is pending the respondent management voluntarily has announced voluntary retirement scheme and compelled the petitioner union members to opt voluntary retirement scheme by suspending the production with effect from 21-10-2008 and threatened the workers that the factory will be closed and the service will be transferred to other State if, they failed to opt voluntary retirement scheme in the month of October, 2008.

16. On this aspect, evidence and documents are carefully perused. It is not disputed by either sides that these petitioners are the permanent workers of the respondent factory and they have raised the industrial dispute for revision of wages before the Conciliation Officer and that was pending before the Conciliation Officer and the respondent management suspended production from 21-10-2008 due to the loss occurred to them and they transferred 66 workers to various branches of the factory for which the petitioners have raised the industrial dispute. It is not in dispute that apart from the petitioner union two other union were functioning at the respondent establishment and the respondent establishment has suspended its production and announced voluntary retirement scheme and admittedly, the respondent has not closed down the factory. It is the case of the respondent management that they have transferred the workers on 05-11-2008 on their request to other state and there is no illegal transfer since it was opted by the workers and the standing order of the company provide for such transfer and the terms and conditions of the appointment order also provides to transfer of the workmen.

17. The respondent management has exhibited the notices issued to the petitioner workmen to improve the production of the industry from 14-03-2007 to 17-09-2008 under Ex.R3 and these notices would go to show that the respondent management has communicated the repeated notices to improve the production of the factory and the said notice have been displayed at the factory premises since the petitioner workmen have indulged in go-slow agitation. The respondent management has also asked the petitioner workmen not to indulge in go-slow agitation and to improve the production and it is also learnt from records that the Company has met with the loss for more than 1½ years due to the low production and that therefore, the respondent has suspended its production activities with effect from 21-10-2008 and announced voluntary retirement scheme. The company has only suspended production activities and announced voluntary retirement scheme in which 97 out of 163 workers were accepted the voluntary retirement scheme and their benefits have been settled under the

said scheme on their resignation. Since, the respondent management has suspended the production activities and the factory was not functioning the 66 workmen have been transferred to some other sister concerns of the respondent establishment. But, it is the case of the petitioner union, that the respondent management has not obtained any prior permission from the Government to close the factory under section 25(o) of the Industrial Disputes Act and only to victimize the members of the union workers who have demanded for wage revision has announced suspension of production and announced Voluntary Retirement Scheme and transferred the workers who have not opted Voluntary Retirement Scheme and in support of his case, the learned Counsel for the petitioner has relied upon the judgment reported in 2010 II LLJ 783 (Mad) wherein the Hon'ble High Court of Madras has held that,

“15. Under section 25-J (2) of the Industrial Disputes Act, only the terms rendered by the employer in respect of the provisions of Chapter V-A and V-B. If, they are more favourable, that alone is protected. Otherwise, section 25-J(1) overrides inconsistent provisions contained in any other law for the time being in force. Therefore, the argument that the present partnership firm which is running the Mill has no role for the closure and that the settlement between the individual workers and the Management is binding on them does not stand to reason.

16. Further, when Section 25-O makes it clear that the workmen are entitled to get wages if, there is no prior permission or when the permission is refused, the Parliament itself has given a declaratory relief to the workers and therefore, it is unnecessary even for the workers to raise a dispute in such contingencies. If, there is no prior permission before effecting the closure, the workmen can even apply directly to the State Government for appropriate revenue recovery certificate under section 32/76 with effect from March 5, 1976. The Supreme Court *vide* its judgment in *Fabril Gasosa V. Labour Commissioner and others* AIE 1997 SC 954 : (1997) 3 SCC 150 : 1997-1-LLJ-872 has held that in such cases the workmen can apply directly to the State Government for the Revenue Recovery Certificate without any judicial adjudication on the issue relating to closure. Therefore, the contention made by the petitioner's Counsel that the Tribunal ought to have gone into the merits of the closure does not stand to reason...”

From the above observation of the Hon'ble High Court of Madras, it is clear that the workers are entitled for wages if any, permission is not obtained for closure. But, in this case, it is the contention of the

respondent management that they have not closed the factory and they have suspended their production and announced Voluntary Retirement Scheme and since there is no retrenchment or termination, there is no employer- employee relationship is broken down by the respondent and they have only transferred the employees to some other establishments of the respondent management and that there is no closure and hence, section 25-o would not attract and prior permission is not required to the respondent management since they have not closed the factory.

18. The another contention of the respondent management is that the charter of demand of wage revision sought of by the petitioner union is unreasonable and hence, it is not accepted by the respondent management and to pressurize the management the workers of the Industry resorted agitation by which the respondent management has met with the loss. On this aspect, the evidence of PW1 is carefully considered which runs as follows :

“Ex.R3-யில் தொழிற்சங்கங்களால் உற்பத்தியை வேண்டும் என்றே திட்டவட்டமாக ஜனவரி 2007 முதல் அக்டோபர் 2008 வரை குறைத்துள்ளதாகவும் அது go-slow என்ற misconduct ஆகும் என்றும் சட்டசியாக 3.5 pairs per day தான் தயாரித்தார்கள் என்று அதில் கண்டுள்ளது. அதற்குண்டான படடியலும் இந்த இணைப்பில் கண்டுள்ளது. போதிய shoes தயாரிக்க material supply பண்ணாததால் தான் அவ்வாறு நடைப்பெற்றது. குறைவாக நிர்வாகம் material supply செய்தது என்ற குறிப்பு Ex.P16-ல் இல்லை. மேலும், எந்த ஆவணத்திலும் இல்லை. ஜனவரி 2007 முதல் சுமார் 1.50 ஆண்டு காலம் நிர்வாகம் முழுமையாக செயல் இழந்திட வேண்டும் என்ற நோக்கத்தோடு நாங்கள் வேண்டுமென்றே go-slow செய்தோம். அந்த go-slow-வில் முற்பட்டதால் தான் நிர்வாகம் VRS announce பண்ண வேண்டிய கட்டாயம் இருந்தது என்றால் go-slow-வில் எங்கள் சங்கம் ஈடுபடவில்லை. VRS scheme announce செய்த பிறகு 3 சங்கங்களும் சேர்ந்து ஒரு கூட்டு அமைத்தோம் என்றால் சரிதான். அந்த 3 சங்கங்களில் எங்கள் சங்கமும் இருந்தது. அந்த கூட்டமைப்பின் போதுதான் நிர்வாகம் VRS scheme பற்றிய பேச்சு வார்த்தை நடத்தியது. என்றால் நிர்வாகம் எங்கள் சங்கத்தை தவிர மற்ற 2 சங்கத்துடன் தான் பேச்சுவார்த்தை நடத்தியது. கூட்டமைப்பில் ஏன் எங்கள் சங்கத்தை அழைத்து பேச்சு வார்த்தை நடத்தவில்லை என்று நாங்கள் மறுப்பு கடிதம் கொடுக்கவில்லை. என்னிடம் காட்டப்படுவது ஒருங்கிணைந்த கூட்டத்தின் கடிதம், அதில் என்னுடைய கையெழுத்து உள்ளது. அது Ex.R.4 ஆகும். Ex.R.4-ல் கூட்டமைப்பின் அனுமதியில்லாமல் எந்த தொழிலாளரையும் தனியாக வைத்து பேசக்கூடாது என்று உள்ளது.”

From the above evidence of PW1, it is clear that for a period of January-2007 to April-2008, the production was only 3.5 pairs per day which was disclosed in Ex.R3 and further, it reveal from Ex.RS that notice has been given to the workers on 14-03-2007 as a reminder stating that production is not improved deteriorating day by day and further, it reveals that in the month of February-2007 the production level achieved in the factory was below the expected level and though they were keeping sufficient raw materials in the factory on 13-03-2007, the total production is only 10,219 pairs which is against 930 pairs per day and the management has requested all the employees to co-operate with the management for effective function of the factory by producing maximum number of pairs. Ex.R3 would further reveal that various notices have been sent to the workers which would go to show that production level of the factory was reduced and the management has declared that management has met with loss and that therefore, it is not in dispute that the production level was reduced in the factory since the union has started go-slow strike from January-2007. In such circumstances, the Ex.P17 marked by the petitioner would go to show that respondent company has met a loss of ₹ 22,1703,00 for the period 01-01-2007 to 31-12-2007 and heavy loss of ₹ 64,315.00 for the period 01-01-2008 to 31-03-2009. Therefore, it is established by the respondent management that company has met with the loss and since that there was go-slow strike of the workers from the period of January-2007, the respondent has declared Voluntary Retirement Scheme to the workers of the respondent establishment on 25-10-2008 as the company has suspended the production at their factory on 25-10-2008 and decided to settle the workers under Voluntary Retirement Scheme and since these petitioners have not accepted the Voluntary Retirement Scheme the respondent management was compelled to transfer these members of the union to other establishments of the respondent management.

19. It is the further case of the respondent management that they could not accommodate the 66 workmen at Puducherry and hence, they have been transferred to other factories in the nearby states and that therefore, the petitioner union has raised the industrial dispute before the Conciliation Officer challenging the transfer of 66 workmen. It is not denied by the petitioner workmen that the Company has met with a loss and the production was reduced in the year 2007 and 2008. Further, the petitioner union has exhibited the profit and loss account of the

respondent firm as Ex.P17 which would go to show that the respondent establishment has met a loss of ₹ 22,173,000 for the period from 01-10-2007 to 31-12-2007 and the respondent establishment has met with loss of ₹ 64,315,000 in the period from 01-01-2008 to 31-03-2009 due to the low production in the respondent establishment.

20. As rightly pointed out by the respondent Counsel that the management has not terminated any employee though they have met a loss at the respondent establishment due to go-slow in production by the workers and the respondent management has only transferred these petitioners to other respondent establishments and has not retrenched them from service. Furthermore, it is the case of the respondent management that these petitioners have been transferred only on the terms and conditions of the appointment that they could be transferred to any other place wherein, the respondent establishments are situated. On this aspect, the learned Counsel for the respondent pointed out that even as per the standing order of the respondent establishment which is exhibited as Ex.R14 the employees can be transferred to any other establishments which are conducting by the respondent management and the petitioner union members after announcement of the Voluntary Retirement Scheme have submitted an application to the respondent establishment stating that they are not willing to get Voluntary Retirement Scheme and that they have to be transferred to other establishments of the respondent establishment and they have given consent to transfer them to any other establishments of the respondent management. On this aspect, the evidence of PW1 is carefully considered which runs as follows :

“Ex.R8, R9, R10, R11, R12, R13 ஆகியவைகள் முறையே என்னுடையதும், A. Paul Mary George, K. Dhayanidhi, S. Arokiaraj, B. Vijayakumar and S. Dhandapani ஆகியோர்களின் பணி நிரந்தர உத்தரவுகள் ஆகும். மேற்படி உத்தரவுகளில் எதிர்மனுதாரர் நிர்வாகம் பணியாளர்களை அவர்கள் விரும்பும் இடத்திற்கு பணி மாற்றம் செய்யலாம் என்று உள்ளது என்று சொன்னால் அந்த ஆவணம் ஆங்கிலத்தில் உள்ளது. எனது தரப்பில் கோரிக்கை மனுவும், கூடுதல் கோரிக்கை மனுவும் ஆங்கிலத்தில் உள்ளது என்று சொன்னால் சரிதான். Ex.R8-ல் என் கையொப்பம் உள்ளது என்று சொன்னால் சரிதான். Ex.R14-ல் எதிர்மனுதாரர் நிர்வாகத்தின் நிலையான உத்தரவுகள் (Standing Order) ஆகும். மேற்படி நிலையான உத்தரவுகளில் 16ம் விதியின் படி பணியாளர்களை எதிர்மனுதாரர் நிர்வாக அலுவலகங்களுக்கு மாற்ற முடியும் என்று உன்னது என்று

சொன்னால் அது பற்றி எனக்கு தெரியாது. எனக்கும் மற்ற 65 பணியாளர்களுக்கு எதிர்மனுதாரர் நிர்வாகம் பணி மாற்றம் செய்ய உத்தரவுகளை (transfer order) நீதிமன்றத்தில் தாக்கல் செய்யவில்லை. ஏன் என்றால் எங்களுக்கு உத்தரவு ஏதுவும் வழங்கப்படவில்லை. W.P.No. 22319/2009 மனுவில் எங்களது சங்க உறுப்பினர்களை மாற்றம் செய்தது சம்பந்தமாக மட்டும் சரியா? தவறா? என்று கேட்டு உள்ளது. மேற்படி Writ Petition-னுடன் மேலும் 2 Writ Petition தாக்கல் செய்திருந்தோம் என்று சென்னால் சரிதான். மேற்படி writ Petition-னின் உத்தரவின் அடிப்படையில் தொழிலாளர் நிலைய ஆணையர் தனது குறிப்புகளை மாற்றி அமைத்து தொழிலாளர் நீதிமன்றத்திற்கு அனுப்பி வைத்தார் என்றால் சரிதான். இந்த வழக்கிலும் எங்கள் வங்க உறுப்பினர்கள் 66 பேரை பணி மாற்றம் செய்தது சரியா? குறித்து வினா எழுப்பப்பட்டது என்று சென்னால் சரிதான். எங்களது சங்க உறுப்பினர்கள் 66 பேரின் பணி மாற்றம் செய்யப்பட்ட உத்தரவு நகல்களை நீதிமன்றத்தில் தாக்கல் செய்தீர்களா? என்றால் எங்களின் உத்தரவு நகல்கள் தனித்தனியாக நபர்களுக்கு அளிக்கப்படவில்லை. அறிவிப்பு பலகையில் மொத்தமாக ஒரு அறிவிப்பாக ஒட்டப்பட்டிருந்தது. மேற்படி அறிவிப்பு பலகையில் ஒட்டப்பட்ட பணி மாற்றம் உத்தரவு அறிவிப்பை நீதிமன்றத்தில் தாக்கல் செய்துள்ளீர்களா? என்றால் ஆவணங்களை பார்த்துதான் சொல்ல முடியும். 66 சங்க உறுப்பினர்களுக்கும் தனித்தனியே எதிர்மனுதாரர் நிர்வாகம். ஏற்கனவே பணி மாற்றம் உத்தரவை அனுப்பி வைத்திருந்தது என்று சொன்னால், மேற்படி உத்தரவு நகல்களை சங்க உறுப்பினர்கள் கையெழுத்து பெற்று வாங்கவில்லை. Ex.R15 பொது அறிவிப்பு பலகையில் ஒட்டப்பட்ட மாறுதல் உத்தரவு கொடுக்கப்பட்டதின் பொது அறிவிப்பு ஆகும்.”

From the above evidence, it is clear that appointment order issued by the respondent management has terms and conditions in which the respondent management has reserved a right to transfer the workman to anywhere else wherever, the respondent establishment conducting business and wherein, the signature of the employees were obtained by the management and further evidence would reveal the fact that standing order of the factory would permit the respondent establishment to transfer them to any other factory which are conducting by the respondent management and as the respondent management has suspended the production of the factory without terminating any employee or given any retrenchment it has announced only Voluntary Retirement Scheme and rest of the 66 workers have transferred to other factories of the respondent establishment. Furthermore, it is learnt from the above evidence that as per the rule 16 of the standing order, the workers of the respondent management can be transferred to other factories which are situated even outside the

Puducherry unit and further it is also clear from the evidence that in the appointment order of the members of the petitioner union, the respondent management has reserved their right to transfer them to any other factories and those appointment orders which are exhibited as Ex.R8 to Ex.R13 would reveal the fact that the respondent management can transfer the employees to other factories of the respondent management and that therefore, the transfer of 66 workers is not against the standing order of the company or against the terms and conditions of the appointment order of the workers.

21. Further, the learned Counsel for the respondent has relied upon the judgment reported in CDJ 2015 MHC 790, wherein, the Hon'ble Madras High Court has observed that,

“Petitioner is a company engaged in the manufacture of shoes - company suspended its operation - Employees Union took up the matter before the Joint Commissioner of Labour - settlement between the petitioner Management and the Employees Union was entered - some workmen were reengaged on restructured wages in the petitioner company and the remaining more workers accepted the compensation in lieu of agreeing cessation of employment - Labour Court has allowed all the computation petitions filed by the workers and directed the petitioner company to pay monetary value as prayed for by them -

Held that suspension of operations was declared till the date of signing of the settlement - in order to wriggle out the financial constraints and adverse market conditions, the petitioner management was not in a position to continue the business operation, has genuinely resorted to suspension of operation - petitioner management has declared suspension of operation in order to negotiate with the respondent/ workers and as expected by it, the Union - settlement is a valid one - it is settled law that the workmen, having received the amounts in full, quit all their claims, cannot question the same later and once an agreement was entered - once the agreement is acted upon, there was a performance of the terms and once it is so performed, even in part, would attract the principle of equitable estoppels - Petitions are allowed.”

From the above observation, it is clear that whenever the management is not in a position to continue the business operation has genuinely resorted to suspension of operation in order to negotiate with

the workers. In this case also, the respondent management has announced Voluntary Retirement Scheme and has transferred the workers who have not opted Voluntary Retirement Scheme and that therefore, the act of the respondent management declaring suspension of production is not against the provisions of the Industrial Disputes, Act and that therefore, it is just and necessary to hold that transfer order issued by the respondent management to 66 workers is *bona fide* while the respondent management has suspended the production without terminating the employees and announced Voluntary Retirement Scheme and transferred the employees who have not accepted Voluntary Retirement Scheme and therefore, it is held that the transfer of 66 workers is not *mala fide* and it is just and necessary to hold that the industrial dispute raised by the petitioner union over transfer of 66 workmen by the respondent management is not justified. As this Tribunal has held that the industrial dispute raised by the petitioner union over transfer of 66 workers by the respondent management is not justified, it is just and necessary to decide whether the petitioners are entitled for any relief. From the above discussions already made by this Tribunal, it is clear that the 66 members of the petitioner union have been totally transferred since the respondent management has suspended their operation of production and that there is a chance to restart the production operation of the respondent establishment and hence, it can be ordered by this Tribunal that if the suspension of production of the respondent factory is revoked and the factory is restarted these petitioners have to be given employment at the respondent factory and that they have to be accommodated at the respondent establishment with the same seniority by transferring them from the unit of the factory where they have been now transferred.

22. On Point No.2 :

The next point is to be decided is that whether the industrial dispute raised by the petitioner union, over closure of the unit by the management is legal and justified or not. It is contended by the petitioner union that the act of the respondent management suspending the production of the factory and shifting the same to Vazhuthavur factory would amount to closure and the closure of the factory by the respondent management is illegal. On the other hand, it is contended by the respondent management that they have not closed down the factory and that they have only suspended its production and relationship of employer - employee have not been broken out so far since the workers have been only transferred to other units of the respondent management.

23. On this aspect, the learned Counsel for the petitioner has argued that when the dispute raised by the petitioner union, over the wage revision is pending before the Conciliation Officer, the act of the respondent management without prior permission of the Conciliation suspended the production from 21-10-2008 amount to lock-out of the factory and then the factory was closed with effect from 30-10-2008 and since the members of the petitioner union are rendered unemployment it is to be inferred that the factory was illegally closed on 30-10-2008 and that the respondent management has closed down the factory to victimize the workers who have raised the dispute before the Conciliation Officer for wage revision and in support of his argument the learned Counsel for the petitioner has relied upon the judgment reported in 1958(1) SCC 312 wherein, the Hon'ble Supreme Court of India has held that,

“.....Therefore, the true test is that when it is claimed that the employer has resorted to closure of industrial activity, the Industrial Court in order to determine whether the employer is guilty of unfair labour practice must ascertain on evidence produced before it whether the closure was a device or pretence to terminate services of workmen or whether it is *bona fide* and for reasons beyond the control of the employer. The duration of the closure may be a significant fact to determine the intention and *bona fides* of the employer at the time of closure but, is not decisive of the matter. To accept the view taken by the Industrial Court would lead to a startling result in that if, an employer who has resorted to closure, *bona fide* wants to reopen, revive and re-start the industrial activity, he cannot do so on the pain that the closure would be adjudged a device or pretence. Therefore, the correct approach ought to be that when it is claimed that the employer is not guilty of imposing a lock out but, has closed the industrial activity, the Industrial Court before which the, action of the employer is questioned must keeping in view all the relevant circumstances at the time of closure decide and determine whether the closure was a *bona fide* one or was a device or a pretence to determine the services of the workmen. Answer to this question would permit the Industrial Court to come to the conclusion one way or the other. ....”

and further the learned Counsel for the petitioner has also relied upon the judgment reported in 2012(3) LLN 358 (Mad) wherein, the Hon'ble High Court of Madras has held that,

".....19. It is clearly pleaded that it is a factory covered by Chapter V-B of the Industrial Disputes Act and in as much as a prior approval under section 25-N of the Industrial Disputes Act was not obtained, it is a clear case of illegal retrenchment and the workers are entitled to be continued in service. Though the Labour Court was wrong in stating that it cannot go into any incidental question, namely, whether the workman has assigned permanent status in terms of Act 46 of 1981, that need not be gone into at this stage. Under section 3 of Act 46 of 1981, the workers are deemed to be become permanent without there being any order of any Court and it is a satisfactory declaration conferred on the workers. The fact that the other workers have not challenged the Award is not a conciliation for denying the relief to the present workman. ..."

and the learned Counsel for the petitioner has also relied upon the judgment reported in 1986(1) LLN 490 wherein, the Hon'ble Supreme Court of India has held that,

"A. Industrial Disputes Act, 1947, sections 25T, 25O and 25K - Unfair labour practice - Marketing division of a company closed down without complying with the provisions of section 25-O of Industrial Disputes Act - Requirement of section 25-K of engaging of not less than 100 workmen in the industrial establishment stood fulfilled in view of the total number of workmen employed in the marketing division and factory of the company- Both the units having constituted a single establishment-Termination of services of the workmen in contravention of terms of existing settlement between the employer and workmen amounts to unfair labour practice of not implementing the settlement - Reinstatement with back wages ordered. ...."

24. On the other hand, the learned Counsel for the respondent has argued that the respondent management has not closed down the factory and they have temporarily suspended the production and the relationship of employer-employee has not been broken out since the workers have only been transferred to other units of the respondent management and hence, it could not be termed as closure and that the respondent management has not retrenched any workman from their factory and it announced only Voluntary Retirement Scheme and 97 workers out of 163 workers were settled and that the rest of the workers who have not opted Voluntary Retirement

Scheme alone have been transferred to other units of the respondent establishment. Further, in support of his argument, the learned Counsel for the respondent has relied upon the judgment reported in CDJ 2015 MHC 4789, wherein, the Hon'ble Madras High Court has held that,

"The third respondent suspended the Factory Operation without serving mandatory notice as per law, hence, it goes against it. However, considering the present situation, the third respondent had settled the benefits under the voluntary retirement scheme for 123 employees out of 185 total workforces. Hence, it is near impossible to run the factory with such a meager strength of workers.

The third respondent/management has offered employment to the petitioner at the Virudhunagar Factory, which is co-unit of the Pallavaram unit, on the same status salary, *etc.*, The third respondent has also offered the usual voluntary retirement benefits as per the terms and conditions on par with the co-employees numbering 123.

The highly competent Counsel appearing for the petitioner submits that the employees are willing to join at the Pondicherry unit. However, the highly competent Counsel appearing for third respondent replied that 62 employees cannot be accommodated at the Pondicherry Unit since there is surplus employees who are working at the Pondicherry unit. Therefore, this Court cannot compel the third respondent to provide employment to the employees in the petitioner union at the Pondicherry unit.

Likewise this Court cannot compel the third respondent/management to restore the original position of the factory in order for the running of the same, since the third respondent has given two options to the employees *viz.*, either the employees can join at the Virudhunagar unit or receive benefits under the voluntary retirement scheme of the management.

On considering the facts and circumstances of the case and arguments advanced by the highly competent Counsels on either side and on perusing the typed-set of papers and the views of this Court as mentioned above (i) to (v), this Court dismisses the above writ petitions since the management has come forward to protect the employees of the petitioner union by way of providing the same jobs at their co-unit at Virudhunagar or even prepared to pay benefits under the voluntary retirement scheme and to treat the employees with their co-employees on par. Therefore, there is no prejudice to the petitioner union whatsoever....."

and further, the learned Counsel for the respondent has also relied upon the judgment reported in CDJ 2015 MHC 790, wherein, the Hon'ble Madras High Court has held that,

“In the present case, the petitioner management declared suspension of operation on 12-11-2004 and admittedly, the petitioner management has not resorted to termination of its employees. However, even presuming that there was a closure as contended by the respondent workers, it is relevant to determine whether such closure was device or a pretence to terminate the service of the workmen or whether it is *bona fide* and far beyond the control of the employer, has to be decided on the evidence produced before the Court. On a perusal of the entire material and evidence as the award passed by the Labour Court, this Court finds that the Labpur Court has not given any cogent reasons that the alleged closure resorted to by the petitioner management is not *bona fide* and tainted with *mala fide* intention to terminate the services of the workmen and the workers have not alleged that the so-called closure is not genuine one and merely alleging that the closure is illegal without assigning any reasons, it cannot be construed that it is illegal closure when the employer has proved that the suspension of operation was for *bona fide* reasons. On overall consideration of the facts and evidence available on record, this Court could analyze that in order wriggle out the financial constraints and adverse market conditions which were prevailing during the material period due to which, the petitioner management was not in a position to continue the business operation, has genuinely resorted to suspension of operation and a notice to that effect was put on board on 12-11-2004. Therefore, this Court is of the considered view that the petitioner management has resorted to only suspension of operation and not closure as contended by the learned Counsel for the respondent/workmen. The decision relied upon by the learned Counsel for the respondents/workmen in Sri Arunachaleswarar Mills (cited Supra), cannot be made applicable to the facts of the present case in view of the fact that in the present case, the petitioner management has only resorted to suspension of operation and not closure, whereas, the abovesaid decision deals with the closure and since the management therein had resorted to closure without prior permission, this Court held that the same was not binding on the workmen and the settlement relied on by the management could

not be upheld as it was contrary to the statutory provisions. It is well settled law that the closure or stoppage of the whole or part of the business is the function of the management which is entirely in the discretion of the employer carrying on the business. The industrial adjudication cannot interfere with the discretion exercised by the employer in such a matter and it has no power to direct the employer to continue the whole or part of the business which the employer has decided to shut down. However, it is no doubt true and settled that if, the employer resorted to closure, it is mandatory on his part to comply with all the requirements as envisaged under the Act..”

From the above observations of the Hon'ble High Court, it is clear that mere suspending the factory production is not a closure and offering of employment in some other factory of the respondent establishment on the same status and salary would not amount to closure. In this case, the respondent management has only suspended its production and not retrenched any employee and not terminated any employee from the factory and further, the respondent management has only transferred these workers to some other factory of the respondent establishment. From the above citations relied upon by the learned Counsel for the petitioner, it is clear that if, the employer has closed the factory without *bona fide* intention then it can be termed as unfair labour practice. But, in this case, it is established by the respondent management that they have met with loss in the year 2007 and 2008 since, the production level was drastically reduced and the same was also admitted by the petitioner side and the documents filed on the side of the petitioner would go to show that there was a huge loss to the respondent establishment in the year 2007 and 2008 and further, it is observed by the Hon'ble High Court in the above-mentioned judgment relied Upon by the learned Counsel for the petitioner that if the employer closed down the factory with compliance of section 25(o) of the Industrial Disputes Act and committed termination of service of the workmen in contravention of terms of existing settlement, then it can be termed that the respondent management has committed unfair labour practice. But, in this case no one had been terminated from service by the respondent management and out of 163 workers, 97 workers have opted for Voluntary Retirement Scheme and 66 workers who were willing to get continuous employment only transferred to some other industries of the respondent establishment and that therefore, the citations relied upon by the

petitioner would not support the case of the petitioner. On the other hand, the citations relied upon by the respondent would scorely applicable to this case since in this case also the production of the factory was suspended and the remaining workers who have not opted Voluntary Retirement Scheme have been transferred to some other industries which are maintained by the respondent management.

25. As already discussed above that the respondent management has established that they have met with a huge loss since there was go-slow strike of the workers and production was drastically reduced from 13.00 pairs to 3.50 pairs, it is clear that suspension of production ordered and Voluntary Retirement Scheme announced by the respondent management is *bona fide* and is not announced with any *mala fide* intention and that therefore, the industrial dispute raised by the petitioner union that there was an illegal closure is not justified and hence, the industrial dispute raised by the petitioner union is liable to be held as unjustified.

26. In the result, the industrial disputes raised by the petitioner union over transfer of 66 workers and closure of the unit by the respondent management are not justified. However, Award is passed directing the respondent management to accommodate the members of the petitioner union who are mentioned in the reference at the respondent establishment whenever the respondent establishment starts its production by revoking the order of suspension of production by giving first preference to the members of the petitioner union who have joined in the respective transferred post within one month from the date of this Award. No cost.

Dictated to the Stenographer, transcribed by her, corrected and pronounced by me in the open Court on this the 18th day of December, 2017.

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

*List of petitioner's witness:*

PW.1 —03-07-2013 S. Pannirdasse

*List of petitioner's exhibits:*

Ex.P1 — 1995 Copy of the petitioner union registration certificate.

Ex.P2 — — Copy of the petitioner union members list.

Ex.P3	— —	Copy of the documents relates to salary structure of the Executive of the respondent management.
Ex.P4	—04-04-2000	Copy of the petitioner union charter of demand submitted to the respondent management.
Ex.P5	— 2000	Copy of the counter demand raised by the respondent management.
Ex.P6	— 2000	Copy of the Minutes of meeting before the Conciliation Officer.
Ex.P7	—30-04-2002	Copy of the Conciliation failure report.
Ex.P8	—05-06-2002	Copy of the Government reference.
Ex.P9	—02-10-2002	Copy of the claim statement.
Ex.P10	—24-10-2002	Copy of the letter of the individual worker accepting the 18(1) settlement.
Ex.P11	—09-03-2011	Copy of the order passed by the Hon'ble Court in W.P. No. 25952 of 2008.
Ex.P12	—07-03-2008	Copy of the charter of demand submitted by the petitioner union on behalf of its 81 members.
Ex.P13	—31-03-2008	Copy of the petitioner union's letter to the respondent management claiming majority status.
Ex.P14	—21-05-2008	Copy of the conciliation notice on the petitioner union dispute dated 18-04-2008.
Ex.P15	— —	Copy of the Licence issued by the Inspector of Factories to the respondent under the Factories Act.
Ex.P16	— —	Copy of the delivery challan stands in the name of respondent which shows the respondent engaging manufacturing activity in the name of Aroma and Malic Leathers.



Ex.P17 — —	Copy of the profit and loss account of respondent and Form 23AC submitted before the company Law Board.	Ex.P30—31-10-2008	Copy of the petitioner union objection to the respondent.
Ex.P18—21-05-2010	Copy of the petitioner union objection to the Inspector of Factories.	Ex.P31—31-10-2008	Copy of the petitioner union complaint to the Superintendent of Police.
Ex.P19—27-08-2008	Copy of the trade union complaint to the PW authority.	Ex.P32—31-10-2008	Copy of the petitioner union complaint the Inspector of Police.
Ex.P20—24-09-2008	Copy of the trade union complaint to the PWA authority.	Ex.P33—01-10-2008	Copy of the news published in the Dinakaran regarding removal of machinery to the respondent factory.
Ex.P21—07-10-2008	Copy of the High Court order in WP. No. 24521of 2008.	Ex.P34—01-11-2008	Copy of the petitioner union complaint to the Government regarding removal of machinery and its courier receipt.
Ex.P22—25-10-2008	Copy of the VRS application issued by the respondent.	Ex.P35—20-11-2008	Copy of the objection letter to the Commissioner of Labour regarding shifting of factory.
Ex.P23 — —	Copy of the letter issued by the respondent on receipt of the VRS application.	Ex.P36—20-11-2008	Copy of the objection letter to the Commissioner of Labour regarding shifting of factory.
Ex.P24 — —	Copy of the details of the resigned employed in Aroma and Malic.	Ex.P37—16-11-2008	Copy of the objection letter of the HUL Employees Union.
Ex.P25—14-10-2008	Copy of the petitioner union complaint to the Commissioner of Labour, Conciliation Officer regarding production in third party unit.	Ex.P38—02-12-2008	Copy of the objection letter of the HUL TEA Union.
Ex.P26—23-10-2008	Copy of the petitioner union complaint to the Commissioner of Labour, Conciliation Officer regarding production in third party unit.	Ex.P39—06-11-2008	Copy of the petitioner union complaint to the Conciliation Officer, <i>etc.</i> , regarding transfer of workmen.
Ex.P27—23-10-2008	Copy of the petitioner union complaint to the Commissioner of labour regarding lock out.	Ex.P40—06-11-2008	Copy of the petitioner union complaint to the Conciliation Officer, <i>etc.</i> , regarding transfer of workmen.
Ex.P28—24-10-2008	Copy of the petitioner union complaint regarding removal of machinery.	Ex.P41—06-02-2009	Copy of the petitioner union complaint regarding closure of factory.
Ex.P29—29-10-2008	Copy of the petitioner union complaint regarding closure of production planning control and lock out.	Ex.P42—13-02-2009	Copy of the petitioner union letter to the Commissioner of Labour, Secretary to the Labour Department.

Ex.P43—21-05-2008	Copy of the Conciliation Officer notice.	Ex.P59 — —	Copy of the news published in the daily news paper.
Ex.P44—06-11-2008	Copy of the Conciliation Officer notice.	Ex.P60 — —	Copy of the ESI treatment refusal letter.
Ex.P45—21-11-2008	Copy of the Conciliation Officer notice.	Ex.P61—29-01-2010	Copy of the news published in the Dinathanthi regarding profit of the respondent company.
Ex.P46—16-12-2008	Copy of the Conciliation Officer notice.	Ex.P62—21-05-2010	Copy of the petitioner letter to the Director, Labour Department, New Delhi.
Ex.P47—30-12-2008	Copy of the Conciliation Officer notice.	Ex.P63—21-05-2010	Copy of the petitioner letter to the Secretary to the Government, Labour Department, New Delhi.
Ex.P48—13-01-2009	Copy of the Conciliation Officer notice.	Ex.P64 — —	Copy of the acknowledgment card to letter, dated 21-05-2010.
Ex.P49—21-05-2008	Copy of the Conciliation Officer notice and dispute, dated 18-04-2008 raised by the petitioner union for charter of demand for wage revision.	Ex.P65—24-05-2010	Copy of the petitioner union letter to the Secretary to the Government Labour Department, Puducherry.
Ex.P50—27-11-2008	Copy of the conciliation failure report.	Ex.P66—21-05-2010	Copy of the petitioner union complaint to the Inspector of Factories.
Ex.P51—20-02-2009	Copy of the conciliation failure report over the dispute of closure of factory.	Ex.P67—28-02-2002	Copy of the Award of the Labour Court in I.D. 8 of 2008 and I.D. No. 4 of 2001.
Ex.P52—24-03-2009	Copy of the Government reference.	Ex.P68 — —	Copy of the transfer letter.
Ex.P53—01-12-2010	Copy of the High Court order in Writ Petition No. 26180 of 2008, 23319/2009, 399/2010.	Ex.P69 — —	Copy of the details of the transfer workmen submitted to the Conciliation Officer.
Ex.P54—08-04-2011	Copy of the Government reference as per the High Court.	Ex.P70—17-05-2010	Copy of the petitioner union letter to the respondents.
Ex.P55 — —	Copy of the report of the Inspector of Factories.	Ex.P71—17-05-2010	Copy of the petitioner union letter to the respondents.
Ex.P56—24-02-2009	Copy of the Conciliation Officer notice.	Ex.P72—17-05-2010	Copy of the petitioner union letter to the respondents.
Ex.P57 — —	Copy of the list of machinery removed from the factory.	Ex.P73—14-08-2009	Copy of the petitioner union letter to the Inspector of Factories.
Ex.P57A — —	Copy of the memorandum of Ground filed in CRP.PD. No. 294 of 2011.	Ex.P74—31-03-2010	Copy of the Form 20B
Ex.P58—09-04-2009	Copy of the Commissioner's show cause notice to the respondent.		

Ex.P75—31-03-2011 Copy of the Form 20B.	Ex.R4—22-10-2008 Copy of the letter to workers by coordinated union's association regarding VRS.
Ex.P76—31-03-2012 Copy of the Form 20B	
Ex.P77—22-04-2013 Copy of the declaration Form submitted by respondent before Central Excise Department.	Ex.R5—21-10-2008 Copy of the notice on VRS announcement by management.
Ex.P78—22-04-2013 Copy of the export Invoice of 3rd respondent.	Ex.R6 —22-10-2008 Copy of the-
Ex.P79—22-04-2013 Copy of the export invoice- <i>cum</i> -Delivery challan.	23-10-2008 1. notice on VRS announcement
Ex.P80—22-04-2013 Copy of the export invoice- <i>cum</i> -Delivery challan.	23-10-2008 by management.
Ex.P81—22-04-2013 Copy of the export invoice- <i>cum</i> -Delivery challan.	2. notice on VRS additional amount by management.
Ex.P82—01-04-2010 Copy of the Form 23 AC.	3. notice on other benefits of VRS by management.
Ex.P83—31-03-2011 Copy of the Form 23 AC.	
Ex.P84—01-04-2011 Copy of the Form 23 AC.	Ex.R7 —25-10-2008 Copy of the notice to the
Ex.P85—31-03-2012 Copy of the Form 23 AC.	29-10-2009 VRS opted employees and
Ex.P86—27-07-2012 Copy of the packing list in Poothurai Factory.	Union letter to Conciliation Officer.
Ex.P87—27-07-2012 Copy of the invoice- <i>cum</i> -Delivery challan.	Ex.R8 —01-06-1997 Confirmation order of an employee (Pannirdasse).
Ex.P88—10-07-2012 Copy of the invoice.	Ex.R9 —14-04-2007 Confirmation order of an employee (Paul Marie George).
Ex.P89—10-07-2012 Copy of the respondent Declaration submitted before Central Excise Department.	Ex.R10—31-12-1998 Confirmation order of an employee (Dhayanidhi).
Ex.P90—27-07-2012 Consignee copy of respondent factory.	Ex.R11—31-12-1998 Confirmation order of an employee (Aroquiaradjou).
Ex.P91—28-07-2012 Copy of the Tax information of the respondent factory.	Ex.R12—31-12-2001 Confirmation order of an employee (V. Vijayashankar).
<i>List of respondent's witness:</i>	Ex.R13—31-07-1996 Confirmation order of an employee (Dhandapani).
RW1—18-02-2015 Youvarajan	Ex.R14 — — Copy of the certified standing orders of respondent company.
<i>List of respondent's exhibits:</i>	Ex.R15—05-11-2008 Copy of the notice displayed on notice-board of the respondent giving the details of transfer to 66 workers.
Ex.R1 —24-10-2002 Copy of the long-term & settlement 2002-2006	
07-02-2003 Memorandum of understanding.	Ex.R16—06-11-2008 Registered letter addressed to the President of the petitioner union namely, Pannirdasse to his residence which was returned to respondent with endorsement of "Not claimed".
Ex.R2 —11-10-2008 Copy of the letter from PHLTS union.	
Ex.R3 —14-03-2007 Copy of the various notices/ to letter and warnings given by	
17-09-2008 respondent on the go slow adopted by petitioner and communication by the unions on such go slow.	

Ex.R17—06-11-2008	Returned postal cover addressed to president of the petitioner union namely, Pannirdasse to his residence which was returned to respondent with endorsement of "Refused".	Ex.R31—24-11-2008	Copy of the reply to Conciliation Officer notice 06-11-2008.
Ex.R18—09-01-2009	Copy of the affidavit filed by the respondent in I.A. 7/2009 in I.A. 253/2008 in OS. 1476/2008 on the file of Principal District Munsif at Puducherry for appointment of Advocate Commissioner for shifting goods, materials and products from the respondent's factory premises along with counter statement filed by the petitioner.	Ex.R32—07-11-2008	Copy of the letter to Inspector of Factories on inspection.
Ex.R19—12-01-2009	Copy of the Order in I.A78/2009 in O.S.1476/2008.	Ex.R33—07-11-2008	Copy of the letter to Conciliation Officer on over stay.
Ex.R20—02-02-2009	Advocate commissioner report in I.A.78/2009 in O.S. No. 1476/2008.	Ex.R34—07-11-2008	Copy of the report from Police Station to Labour Commissioner.
Ex.R21—31-10-2008	Copy of the union letter to Factory Manager.	Ex.R35—07-11-2008	Copy of the notice on over stay.
Ex.R22—01-11-2008	Copy of the union letter to Labour Commissioner.	Ex.R36—07-11-2008	Copy of the complaint letter to Police Station by management.
Ex.R23—05-11-2008	Copy of the letter to Station House Officer, Mettupalayam Police Station.	Ex.R37—07-11-2008	Copy of the notices on over stay.
Ex.R24—05-11-2008	Copy of the letter to Tahsildar.	Ex.R38—08-11-2008	Copy of the notices on over stay.
Ex.R25—06-11-2008	Copy of the report in Non-cognizable offence.	Ex.R39—08-11-2008	Copy of the letter to station House Officer on unauthorized protests.
Ex.R26—05-11-2008	Copy of the transfer orders sent to all the 66 workers involved in present dispute.	Ex.R40—15-11-2008	Copy of the notice to all the transferred employees.
Ex.R27—06-11-2008	Copy of the union letter to Government Authorities on VRS.	Ex.R41—21-11-2008	Copy of the notice to enquiry from Conciliation Officer.
Ex.R28—06-11-2008	Copy of the union letter to Conciliation Officer on VRS.	Ex.R42—24-11-2008	Copy of the reply to Conciliation Officer notice.
Ex.R29—06-11-2008	Copy of the advisory notice on overstay.	Ex.R43—22-12-2008	Copy of the notice from Commissioner of Labour.
Ex.R30—06-11-2008	Copy of the letter from Conciliation Officer on service condition.	Ex.R44—02-01-2009	Copy of the letter by management on wage dispute to Labour Commissioner.
		Ex.R45—22-12-2008	Copy of the notice from Commissioner of Labour.
		Ex.R46—05-01-2009	Copy of the reply letter to Notice from LC, dated 22-12-2008.
		Ex.R47—22-01-2009	Copy of the letter from Management to Conciliation Officer on 2248/08/LO©/ AIL dispute.
		Ex.R48—13-02-2009	Copy of the letter from Union to Labour Commissioner.

Ex.R49—20-02-2009	Copy of the report on failure of conciliation.	Ex.R66—31-12-2011	Copy of the Auroma Leather Crafts renewal letter.
Ex.R50—24-03-2009	Copy of the Government order - Labour Department reference of ID.	Ex.R67—16-01-1997	Copy of the certificate of Registration under Contract Labour (Regulation and Abolition) Act, 1970.
Ex.R51—09-04-2009	Copy of the show cause notice from Labour Department.	Ex.R68 — —	Copy of the Factory Licence copy.
Ex.R52—27-04-2009	Copy of the reply from Management on show cause notice.	Ex.R69 — —	Computer generated list of the employees at Poothurai unit, who have received VRS announced by Pond's Exports Limited and left services.
Ex.R53—04-02-2009	Copy of the letter from Arokiadass on request for VRS.	Ex.R70—09-02-2017	Copy of the cessation of manufacturing operation letter given by Pond's Exports Limited to Deputy Director of Industrial Safety and Health, Villupuram District, Tamil Nadu.
Ex.R54—30-04-2009	Copy of the letter from P. Janakiraman on request for VRS.	Ex.R71—09-02-2017	Copy of cessation of manufacturing operation letter given by Pond's Exports Limited to Joint Director of Industrial Safety and Health, Villupuram District, Tamil Nadu.
Ex.R55—17-02-2010	Copy of the points discussed during the meeting on 17-02-2010.	Ex.R72—17-02-2017	Copy of letter addressed by Pond's Exports Limited, surrendering factory licence of Poothurai unit to Joint Director of Industrial Safety and Health, Villupuram District, Tamil Nadu.
Ex.R56—01-09-1999	Copy of the agreement with Maulick Leather Crafts.	Ex.R73—17-02-2017	Copy of letter addressed by Pond's Exports Limited, surrendering factory licence of Poothurai unit copy marked to Deputy Director of Industrial Safety and Health Villupuram District, Tamil Nadu.
Ex.R57—01-08-2004	Copy of the Maulick Leather Crafts renewal letter.		
Ex.R58—01-08-2008	Copy of the Maulick Leather Crafts renewal letter.		
Ex.R59—31-08-2010	Copy of the Maulick Leather Crafts renewal letter.		
Ex.R60—18-08-2011	Copy of the Maulick Leather Crafts renewal letter.		
Ex.R61—01-10-2003	Copy of the agreement with Auroma Leather Crafts.		
Ex.R62—04-09-2004	Copy of the Auroma Leather Crafts renewal letter.		
Ex.R63—31-12-2007	Copy of the Auroma Leather Crafts renewal letter.		
Ex.R64—26-12-2009	Copy of the Auroma Leather Crafts renewal letter.		
Ex.R65—31-12-2010	Copy of the Auroma Leather Crafts renewal letter.		

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