



புதுச்சேரி மாநில அரசிதழ்

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பொருளடக்கம்

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**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G.O. Rt. No. 190/Lab./AIL/T/2017,
Puducherry, dated 30th November 2017)

NOTIFICATION

Whereas, an Award in I.D. (L) No. 40/2012, dated 6-10-2017 of the Labour Court, Puducherry in respect of the industrial dispute between K. Mohandoss, Karaikal and the Management of M/s. Soundararaja Mills, Karaikal 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 23-5-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

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.

Friday, the 6th day of October 2017.

I.D. (L) No. 40/2012

K. Mohandoss,
No. 46, Annavasal Road,
Nedungadu, Thirunallar,
Karaikal.

.. Petitioner

Versus

The Employer,
M/s. Soundararaja Mills,
Nedungadu, Karaikal.

.. Respondent

This industrial dispute coming on 27-9-2017 before me for final hearing in the presence of Thiru N. Ramar, Representative for the petitioner and Thiru G. Jagadharaj, Advocate 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. 79/2006/Lab./AIL/J, dated 30-5-2006 for adjudicating the following:-

(a) Whether the termination of Thiru K. Mohandoss by the management of M/s. Soundararaja Mills Limited, is justified or not?

(b) If not so, to what relief he is entitled to?

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

The above reference originally taken on file by the District Court at Karaikal which was being functioned as Labour Court in I.D. No. 10/2006 and subsequently when this Industrial Tribunal-cum-Labour Court established in the year 2012, the case has been transferred to this Court and this case was taken on file by renumbering it as I.D.(L). No. 40/2012.

2. The brief averments of the Claim Statement filed by the petitioner are as follows:

The petitioner was employed as a winder in the respondent mills from the year 1986. On 1-4-2003, he got a promotion. His last drawn salary was ₹ 6,000. The petitioner was initially a member of INTUC union of Soundararajan Mill National Workers Union. From 1-3-2003, he became a member of the CITU union of Nedungadu Soundararaja Mill Thozhilalar Sangam and he was the Vice-President of the CITU union. On 19-3-2003 the requisition was given by the petitioner not to deduct subscription for INTUC union to the management. The CITU union questioned various wrong acts of the management. The petitioner questioned the misappropriation of ₹ 40 Lakhs from the Co-operative Society of the respondent management mills and had been demanding 900 workers who had been working as badlis and contract workmen to be made permanent which annoyed the management. On 9-8-2003, the petitioner was served with a charge memo stating that he had given lesser production on various dates between May, 2003 and July, 2003 that against what was agreed to in the settlement section 18 (1) of Industrial Dispute Act, 1947, dated 7-5-1998 with the INTUC union. He was charged with deliberate go slow. If the allegation was true then the management would not have waited till 9-8-2003 to issue a charge-sheet. On the contrary they would have issued a memo to him on the very day there

was alleged shortfall in production they would have also deducted wages for lesser production in the relevant months. Production is many a time less not on account of fault of the worker but on account of shortage of power, failure of machine, thread cuts, poor quality thread, cones with less weight *etc.*, On 22-8-2003, the another charge-sheet was issued to the petitioner that he had mixed up two different wrong coloured threads into the cones and caused loss to the management. Based on the complaint, dated 22-8-2003 of the maistry Mahalingam and Supervisor Aranga Karthikeyan, he was straight away suspended, without even calling for an explanation.

It is further stated that on 2-9-2003, the Enquiry Officer gave notice fixing the enquiry on 13-9-2003 in respect of the two charge-sheets. The Enquiry Officer M. Elanchezhian, is the junior counsel of M. Elumalai, who represents the management in almost all their cases. The said M. Elanchezhian had filed a counter along with his senior in I.D. No. 1 of 4 on the first date of enquiry. The petitioner requisition for the assistance of a co-worker namely Nilavazhagan or N. Ramar was denied by the management on the ground that both of them are dismissed workers. Ramar was employed by the respondent management and in his dispute, there is an order reinstating him in service and that was confirmed by the Hon'ble High Court, Madras and the case is now in the Hon'ble Supreme Court. The petitioner went through the enquiry without the assistance of a co-worker. A dismissed workman is also a workman under section 2(s) of the Industrial Dispute Act, 1947.

It is further stated that in the domestic enquiry, the respondent examined two witnesses namely, Aranga Karthikeyan and V. Mahalingam. No witness was examined in respect of the charge, dated 9-8-2003. In respect of the second charge-sheet, dated 22-8-2003 Aranga Karthikeyan disclaimed knowledge about anything else except complaint made by him against the petitioner and V. Mahalingam, maistry, the main defence of the petitioner was that the two cones produced by him were taken away by him and the cones produced in the enquiry. In the alleged complaint, dated 22-8-2003, there was no mention about his handing over of the cones. In the enquiry the cones alleged to have been produced by the petitioner were not proved to be the same that was seized by him. Ignoring all the materials discrepancies the Enquiry Officer forced the petitioner guilty of the charges. On 28-3-2005,

a second show cause notice was issued. The petitioner gave his reply on 25-4-2005. Ignoring all the points in favour of the petitioner and his unblemished record of service and his plea that he had been victimised, because he joined CITU union in March, 2003 and defending the workers, on 4-5-2005 the petitioner was dismissed from service.

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

The petitioner was working as a winder in the Cone-Winding Department of the respondent mill. The respondent and its workmen after negotiations entered into an 18(1) settlement as per the provisions of the Industrial Dispute Act, 1947 in respect of work-load, work assignment, wages, *etc.*, on 7-5-1998 in which the respondent management agreed to pay ₹ 500 to the permanent employees of the respondent as *ex gratia*. The petitioner had also being a member of INTUC trade union accepted the settlement and received ₹ 500 as *ex gratia* on 14-5-1998 and hence, the settlement was binding on the petitioner. But, in contravention of the said settlement, the petitioner, instead of giving determined workload, wantonly worked slowly and gave low production on 2-5-2003, 3-5-2003, 9-5-2003, 18-5-2003, 21-5-2003, 25-5-2003, 30-5-2003, 6-6-2003, 7-6-2003, 11-6-2003, 13-6-2003, 20-6-2003, 22-6-2003, 27-6-2003, 28-6-2003, 2-7-2003, 11-7-2003, 18-7-2003, 25-7-2003 and 26-7-2003 and caused loss to the respondent management. The acts on part of the petitioner are very serious and grave misconduct under Clause 17 (3) (o) of the Certified Standing Orders of the respondent mill. Hence, the respondent management issued the show cause notice to the petitioner on 9-8-2003. The petitioner also on 22-8-2003 during the 1st shift wantonly damaged the cones by mix up the counts. When questioned by the Maistry as well as the Supervisor, the petitioner has abused them and failed to obey the reasonable and lawful orders of the superior Supervisor. These acts on the part of the petitioner are very serious and grave misconduct under Clauses 17 (3) (k), 17 (3) (o), 17 (3) (j) and 17 (3) (a) of the Certified Standing Orders of the respondent mill.

It is further stated that on complaints from maistry Mr. V. Mahalingam and Supervisor Mr. C. Aranga Karthikeyan, a show cause notice with suspension pending enquiry, dated 22-8-2003 along with the copies of the basic complaints was issued

to the petitioner. In the said show cause notice the acts of misconduct committed by the petitioner were clearly and unambiguously stated. As his explanation, dated 25-8-2003 for the show cause notice, dated 22-8-2003 was not at all satisfactory and unacceptable and as the petitioner failed to give any explanation to the show cause notice, dated 9-8-2003, with a view to afford him adequate opportunity, the respondent decided to hold a full-fledged domestic enquiry and accordingly, issued to the petitioner an enquiry notice on 2-9-2003. As per the enquiry notice, dated 2-9-2003, the domestic enquiry was conducted for both the charges by an independent outside lawyer on 13-9-2003, 20-9-2003, 1-10-2003, 11-10-2003, 18-10-2003, 1-11-2003, 22-11-2003, 6-12-2003, 20-12-2003, 3-1-2004, 10-1-2004, 24-1-2004, 7-2-2004, 14-2-2004, 28-2-2004, 13-3-2004 and 26-3-2004 in accordance with the principles of natural justice and the provisions of law.

It is further stated that in the entire domestic enquiry proceedings the petitioner had fully participated with his observer and availed all the opportunities afforded to him and defend his case and the petitioner had signed each and every page of the enquiry proceedings after perusing it. The copies of the documents were furnished to the petitioner by the respondent management as well as the Enquiry Officer as requested by him in the domestic enquiry. After carefully considering the facts and analysing the material evidence placed before him, the Enquiry Officer found the petitioner guilty of the charges framed against him and submitted his report and findings on 23-6-2004. The respondent management accepted the report and finding of the Enquiry Officer as fair and unbiased and issued to the petitioner a second show cause notice, dated 28-3-2005 enclosing the copies of the domestic enquiry proceedings and the report and findings of the Enquiry Officer. After receiving the second show cause notice, the petitioner requested typed set of enquiry proceedings. After receiving the enquiry proceedings, the petitioner has submitted his explanation on 25-4-2005, which was not at all satisfactory and unacceptable and as the acts of misconduct committed by the petitioner were very serious and grave in nature and in order to maintain internal discipline and industrial peace, the respondent has no other option except terminating the services of the petitioner in the large interests of industry, internal discipline,

industrial peace and morale of the employee by an Order, dated 4-5-2005. While passing the order of dismissal the respondent management has taken into consideration the seriousness and gravity of the misconduct committed by the petitioner, the aggravating and extenuating circumstances thereof as well as his past record of service.

4. In the course of enquiry on the side of the petitioner no oral or documentary evidence has been adduced and on the side of the respondent management MW.1 was examined and Ex.M1 to Ex.M93 were marked.

5. The point for consideration is:

Whether the termination of petitioner by the respondent management is justified or not and if not justified, what is the relief entitled to the petitioner?

6. Both sides are heard. The submission of both the parties, the evidence let in and the exhibits marked by the respondent are carefully considered. On both sides, written arguments were filed and the same is carefully considered.

7. It is the case of the petitioner that he had been in service at the respondent establishment from 1986 and he has served for 17 years and he has been given show cause notice on 9-8-2003 and 22-8-2003 alleging that he has committed go-slow production against the norms of the management and relating to mixing of two different wrong coloured threads into the cones affecting quality of the production and subsequently on 4-5-2005 he was removed from service and that he is a INTUC union member and subsequently from 1-3-2003, he became a member of the CITU union and he requested the management not to deduct subscription for INTUC union on 19-3-2003 and the CITU union had been questioning various unlawful acts of the management and that he questioned the misappropriation of ₹ 40 lakhs from the Co-operative Society of the respondent management mills and had been demanding 900 workers who had been working as badlis and contract workmen to be made permanent, which annoyed the management and that on 9-8-2003, he had come for an enquiry to defend two employees Sakthivel and Chandrasekaran in the domestic enquiry on which date the charge memo, dated 9-8-2003 was served stating that he had given lesser production on various dates between May, 2003 and July, 2003 that against what was agreed to in the settlement

section 18 (1) of Industrial Dispute Act with the INTUC union which was arrived on 7-5-1998 and charge memo was also given and they would have also deducted wages for lesser production in the relevant months and production is low not on the account of the fault of the petitioner but on the account of shortage of power, failure of machine, thread cuts, poor quality thread, cones with less weight *etc.*, and on 22-8-2003, the petitioner was issued another charge-sheet alleging that he had mixed up two different wrong coloured threads into the cones and caused loss to the management and he was suspended without even calling for an explanation and on 2-9-2003, the Enquiry Officer gave notice fixing the enquiry on 13-9-2003 in respect of the two charge-sheets and enquiry was conducted and one M. Elanchezhian was appointed as an Enquiry Officer who is the junior counsel of M. Elumalai, who represents the management in almost all their cases and the petitioner requested the Enquiry Officer for assistance of co-worker namely, Nilavazhagan or N. Ramar which was denied by the management on the ground that both of them are dismissed workers and that therefore, without assistance of co-worker he went through the enquiry and after the enquiry ignoring all the materials discrepancies the Enquiry Officer forced the petitioner guilty of the charges and on 28-3-2005, a second show cause notice was issued and though he gave his reply on 25-4-2005 ignoring all the points mentioned therein and to victimise the petitioner as he joined in CITU union he was dismissed from service on 4-5-2005.

8. On the other hand, it is contended by the respondent that petitioner was working as a winder in the Cone-Winding Department of the respondent mill and the workers have negotiated and entered into an 18(1) settlement in respect of work-load, work assignment, wages, *etc.*, on 7-5-1998. In which the respondent management agreed to pay ₹ 500 to the permanent employees of the respondent as *ex gratia* and the petitioner being a member of INTUC trade union accepted the settlement and received ₹ 500 as *ex gratia* on 14-5-1998 and hence the settlement was binding on the petitioner but in contravention of the said settlement the petitioner, instead of giving determined work-load, wantonly worked slowly and gave low production on various dates and he has caused loss to the respondent management and the act of the petitioner are very serious and grave misconduct under Clause 17 (3) (o) of the Certified Standing Orders of the respondent mill and hence, the respondent management issued the petitioner show cause notice

on 9-8-2003 and that the petitioner wantonly damaged the cones by mix up the counts on 22-8-2003 when it was questioned by the maistry as well as the Supervisor, the petitioner has abused them and failed to obey the lawful orders of the superior Supervisors and that on complaint from maistry and Supervisor a show cause notice with suspension pending enquiry was given on 22-8-2003 along with the copies of the basic complaints to the petitioner and the explanation given by the petitioner was not at all satisfactory to the management which are unacceptable and as the petitioner failed to give any explanation to the show cause notice, dated 9-8-2003, with a view to afford him adequate opportunity, the respondent decided to hold a full-fledged domestic enquiry and accordingly, an enquiry notice issued to him on 2-9-2003 and after the enquiry, the Enquiry Officer found the petitioner guilty of the charges framed against him and submitted his report and findings on 23-6-2004 which was accepted by the management and issued a second show cause notice to the petitioner on 28-3-2005 enclosing the copies of the domestic enquiry proceedings and after receiving the second show cause notice, the petitioner requested typed set of enquiry proceedings and after receiving the enquiry proceedings, the petitioner has submitted explanation on 25-4-2005 which was not at all satisfied to the management which is also unacceptable and considering the fact that the misconduct committed by the petitioner is very serious and grave in nature the service of the petitioner was terminated by the management on 4-5-2005 in the interest of internal discipline.

9. On perusal of records, it is found that this Court has already held that the domestic enquiry conducted by the respondent management against the petitioner was invalid one. Hence, now it is to be decided by this Court that whether from the oral evidence of the respondent management RW.1 and exhibits marked on their side the respondent management has proved that the domestic enquiry conducted against the petitioner is fair and whether the respondent management has established the charges before this Court and whether the punishment given by the respondent management is proportionate to the gravity of the alleged misconduct committed by the petitioner. On this aspect the evidence and exhibits were carefully considered.

10. On this aspect the evidence of the respondent management RW.1 was carefully perused. After passing of a Preliminary Award holding that the domestic enquiry conducted by the respondent management against the petitioner is unfair and not in accordance

of principles of natural justice the respondent management has examined RW.1 the personal manager of the respondent Industry who has deposed that the petitioner has involved in go slow strike in production and he has not shown the production as agreed under the settlement entered between the workers and the management under section 18(1) of the Industrial Disputes Act and the petitioner was given several notices regarding low production of the petitioner than the agreed norms on various dates in the month of May, June and July 2003 and that the petitioner has caused loss to the respondent management which is against the section 17 (3) (o) of the provisions of Certified Standing Order and hence, show cause notice was issued to him on 9-8-2003 and it is the further evidence of RW.1 that on 22-8-2003 while petitioner was working at the 1st shift wantonly damaged the cones by mix up the counts and also disobey the orders of the superiors which also mis-conduct under Clauses 17 (3) (k), 17 (3) (o), 17 (3) (j) and 17 (3) (a) of the Certified Standing Order and that therefore, the enquiry was conducted and the Enquiry Officer has found guilty against the petitioner and that therefore, after issue of show cause notice he has been removed from service on 4-5-2005.

11. In support of their contention the respondent management has exhibited Ex.M1 to Ex.M93. It is learnt from Ex.M1 to Ex.M7 that these documents are coming to exist only after the domestic enquiry and these documents only discloses the fact that dismissal of the petitioner from service and raising the industrial dispute and the reference sent by the Government to this Tribunal and Ex.M8 reveal that settlement arrived at between the management and union on 7-5-1998. Ex.M9 is the copy of the production given by the petitioner. Ex.M10 would evident that the show cause notice was given to the petitioner on 9-8-2003 and Ex.M11 is the requisition of the petitioner asking copy of the settlement and Ex.M12 is the letter of the management permitting the petitioner to pursue the settlement and Ex.M13 is the complaint given by the maistry Mahalingam against the petitioner on 22-8-2003. Ex.M14 is the complaint given by Supervisor Aranga Karthikeyan on the same day. Ex.M15 is the copy of the show cause notice issued on the same day for which the petitioner has given explanation on 25-8-2003 under Ex.M16. Ex.M17 is the copy of the enquiry notice issued to the petitioner on 2-9-2003. Ex.M18 is the copy of the requisition of the petitioner to appoint a union leader as his representative in the domestic enquiry. Ex.M19 is the reply given by the respondent management which reveal that the respondent management has not

permitted the petitioner to get assistance of the union leader and rejected his requisition that the union leader is not working as employee at that time. Ex.M20 would reveal the fact that petitioner has stated to the Enquiry Officer regarding his inefficiency to read his documents and to cross examine the witnesses and to produce the documents which is in his favour and he has asked permission to appoint Nilavazhagan or N. Ramar as a representative to conduct the enquiry and the same was also refused by the management under the letter, dated 22-9-2003 which is exhibited as Ex.M21 on the ground that the said Nilavazhagan or N. Ramar have been removed from service from the factory. The letter of the petitioner and the reply of the petitioner are exhibited as Ex.M22 to Ex.M24. Ex.M25 to Ex.M29 are the enquiry notices sent to the petitioner and Ex.M30 is the order of the Hon'ble High Court passed in W.P. No. 15958/2003 on 13-8-2003. The other documents would go to show that the petitioner was complained that he has not completed his production norms and he has submitted the explanation for the show cause notice and the enquiry notice was sent to him and the petitioner has submitted number of applications to the respondent management on various dates from 25-8-2003 to 3-1-2004 which are exhibited as Ex.M49 to Ex.M62. These documents would go to show that the petitioner has sent several letters to the management regarding false charges foisted against him and to permit him to get an assistance of a co-employee and regarding his inability to participate in the domestic enquiry with the Enquiry Officer. Instead of marking glass tubes and glass cones as material objects, the said objects were marked as Ex.M92 and Ex.M93.

12. Though the respondent witness has stated about the charges leveled against the petitioner, show cause notices issued to the petitioner and the domestic enquiry in the chief examination, it does not contain the averment regarding the Enquiry Officer who conducted the domestic enquiry and proceedings of the domestic enquiry conducted by the Enquiry Officer in a biased manner as this Court has already held that the domestic enquiry is unfair. The respondent management has failed to establish before this Court that the domestic enquiry was held in a fair manner following the principles of natural justice. As the management has failed to establish the above it is clear that the respondent management has utterly failed to establish their case and the findings of the domestic enquiry report is suspicious one. Further, the written argument filed by the respondent management also does not speak about any further evidence let in by the management.

13. Furthermore, it is learnt from the records that though the respondent management has exhibited 93 documents they have not filed the enquiry report submitted by the Enquiry Officer before this Court. Further, the complaints given by maistry Mahalingam and Supervisor Aranga Karthikeyan are exhibited as Ex.M13 and Ex.M14. But, the said complainants have not been examined before this Court to prove the the said exhibits that is the complaints given by them against the petitioner. Though the respondent management has relied upon several citations, it has failed to establish that the domestic enquiry was conducted in a fair manner and failed to prove the charges leveled against the petitioner before this Court after passing of the said Preliminary Award and therefore, as this Court has already held that the domestic enquiry conducted by the Enquiry Officer is not in accordance with the principles of natural justice and the respondent management has terminated the service of the petitioner only on the foot of the said invalid enquiry report and as the petitioner has served more than 17 years at the respondent establishment, the punishment of termination from service given to the petitioner for the charge of agitation of go-slow in production and mixing of two different wrong coloured threads into the cones and causing loss to the management, is not proportionate. Therefore, it is just and necessary to held that the termination order passed by the respondent management on the foot of the domestic enquiry report is not sustainable and hence, it is to be held that the termination of petitioner by the respondent management is not justified and the petitioner is entitled for the relief of reinstatement as claimed by him in the claim statement.

14. As this Court has decided that the termination of petitioner by the respondent management is not justified, it is to be decided whether the petitioner is entitled for back wages with continuity of service as claimed by the petitioner. It is not the case of the respondent that petitioner is working in any other industry after his termination. The petitioner has stated that he is not working anywhere else after his termination. However, the petitioner could have served at any where else after his termination from the respondent establishment. Considering the above circumstances, this Court decides that the petitioner is entitled for 30% back wages and other attendant benefits.

15. In the result, the petition is partly allowed and the termination of petitioner by the respondent management is not justified and an Award is passed by directing the respondent to reinstate the petitioner

within one month from the date of this order and to pay 30% back wages from the date of termination till the date of reinstatement with continuity of service and other attendant benefits. No cost.

Dictated to Stenographer, transcribed by her, corrected and pronounced by me in the open Court on this the 6th day of October, 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 witness:

MW.1 — 21-11-2012— A. John Amalraj

List of respondent's exhibits:

Ex.M1 — Copy of the dismissal order issued to the petitioner, dated 4-5-2005.

Ex.M2 — Copy of the notice of the Labour Officer with 2A petition, dated 10-10-2005.

Ex.M3 — Copy of the reply filed by the respondent, dated 18-11-2005.

Ex.M4 — Copy of the Conciliation failure report from the Labour Officer, Karaikal, dated 9-2-2006.

Ex.M5 — Copy of the notification issued by the Government of Puducherry, dated 30-5-2006.

Ex.M6 — Copy of the claim statement filed by the petitioner, dated 19-11-2006.

Ex.M7 — Copy of the counter statement filed by the respondent, dated 5-9-2007.

Ex.M8 — Copy of the 18(1) Settlement in respect of work load *etc.*, dated 7-5-1998.

Ex.M9 — Copy of the production list given by the petitioner.

Ex.M10— Copy of the show cause notice issued to the petitioner, dated 9-8-2003.

Ex.M11— Copy of the letter of petitioner asking copy of settlement, dated 12-8-2003.	Ex.M30— Copy of the order of the Hon'ble High Court passed in W.P. No. 15958/2003, dated 13-8-2003.
Ex.M12— Copy of the letter of respondent asking the petitioner to peruse the Settlement, dated 18-8-2003.	Ex.M31— Copy of the order promoting the petitioner, dated 28-3-2003.
Ex.M13— Copy of the complaint given by Maistry V. Mahalingam against the petitioner, dated 22-8-2003.	Ex.M32— Copy of the production report in respect of petitioner in Winding Department for the month of May, 2003 to July, 2003.
Ex.M14— Copy of the complaint given by Supervisor C. Arangakarhikeyan against the petitioner, dated 22-8-2003.	Ex.M33— Copy of the enquiry proceedings.
Ex.M15— Copy of the show cause notice issued to the petitioner, dated 22-8-2003.	Ex.M34— Copy of the report and findings of the Enquiry Officer, dated 23-6-2004.
Ex.M16— Copy of the explanation of the petitioner, dated 25-8-2003.	Ex.M35— Copy of the second show cause notice, dated 28-3-2005.
Ex.M17— Copy of the enquiry notice, dated 2-9-2003.	Ex.M36— Copy of the letter of the petitioner requesting typed copy of enquiry proceedings, dated 1-4-2005.
Ex.M18— Copy of the letter of the petitioner to have a Union Leader as his representative, dated 13-9-2003.	Ex.M37— Copy of the reply of the respondent enclosing typed copy of enquiry proceedings, dated 13-4-2005.
Ex.M19— Copy of the reply given by the respondent, dated 13-9-2003.	Ex.M38— Copy of the explanation submitted by the petitioner, dated 25-4-2005.
Ex.M20— Copy of the letter of the petitioner to have a union leader as his representative, dated 20-9-2003.	Ex.M39— Copy of the show cause notices issued to the petitioner, dated 28-4-2003, 18-6-2003, 9-8-2003 and 22-8-2003.
Ex.M21— Copy of the reply given by the respondent, dated 22-9-2003.	Ex.M40— Copy of the letter enclosing order of the Hon'ble High Court, Madras, dated 5-6-2003.
Ex.M22— Copy of the letter of petitioner making false allegations, dated 26-9-2003.	Ex.M41— Copy of the letter of the petitioner to the INTUC Union, dated 19-3-2003.
Ex.M23— Copy of the reply given by the respondent with proof, dated 29-9-2003.	Ex.M42— Copy of the letter of the petitioner asking copy of the settlement, dated 12-8-2003.
Ex.M24— Copy of the letter of petitioner to adjourn the enquiry, dated 30-9-2003.	Ex.M43— Copy of the letter of INTUC President issued to the petitioner, dated 25-7-2003.
Ex.M25— Copy of the enquiry notice, dated 1-10-2003.	Ex.M44— Copy of the reply of the petitioner to the INTUC, dated 31-7-2003.
Ex.M26— Copy of the receipt given by the petitioner for accepting the settlement, dated 7-5-98 and receiving ₹ 500 as good will payment, dated 14-5-1998.	Ex.M45— Copy of the wage slip in respect of the petitioner.
Ex.M27— Copy of the letter of the respondent, dated 11-10-2003.	Ex.M46— Copy of the letter sent by the petitioner to the Labour Officer, Karaikal.
Ex.M28— Copy of the letter of the respondent, dated 14-11-2003.	Ex.M47— Copy of the letter of CITU Union to the Registrar of Co-operative Department, Karaikal, dated 21-7-2003.
Ex.M29— Copy of AD Card, dated 15-11-2003.	Ex.M48— Copy of the enquiry notice, dated 2-9-2003.

Ex.M49— Copy of the letter of the petitioner, dated 25-8-2003.	Ex.M72— Copy of the letter of petitioner, dated 22-8-2003.
Ex.M50— Copy of the letter of the petitioner, dated 13-9-2003.	Ex.M73— Copy of the enquiry notice, dated 2-9-2003.
Ex.M51— Copy of the letter of the petitioner, dated 20-9-2003.	Ex.M74— Copy of the letter of petitioner, dated 13-9-2003.
Ex.M52— Copy of the letter of the petitioner, dated 20-9-2003.	Ex.M75— Copy of the letter of petitioner, dated 20-9-2003.
Ex.M53— Copy of the letter of the petitioner, dated 22-9-2003.	Ex.M76— Copy of the letter of petitioner, dated 22-9-2003.
Ex.M54— Copy of the letter of the petitioner, dated 26-9-2003.	Ex.M77— Copy of the letter of petitioner, dated 26-9-2003.
Ex.M55— Copy of the letter of the petitioner, dated 11-10-2003.	Ex.M78— Copy of the letter of petitioner, dated 11-10-2003.
Ex.M56— Copy of the letter of the petitioner, dated 17-10-2003.	Ex.M79— Copy of the letter of petitioner, dated 17-10-2003.
Ex.M57— Copy of the letter of the petitioner, dated 11-11-2003.	Ex.M80— Copy of the letter of petitioner, dated 11-11-2003.
Ex.M58— Copy of the letter of the petitioner, dated 11-11-2003.	Ex.M81— Copy of the letter of petitioner, dated 11-11-2003.
Ex.M59— Copy of the letter of the petitioner, dated 24-11-2003.	Ex.M82— Copy of the letter of petitioner, dated 24-11-2003.
Ex.M60— Copy of the letter of the petitioner, dated 29-12-2003.	Ex.M83— Copy of the letter of petitioner, dated 24-11-2003.
Ex.M61— Copy of the letter of the petitioner, dated 30-12-2003.	Ex.M84— Copy of the letter of the petitioner, dated 29-12-2003.
Ex.M62— Copy of the letter of the petitioner, dated 3-1-2004.	Ex.M85— Copy of the letter of petitioner, dated 30-12-2003.
Ex.M63— Copy of the letter enclosing Hon'ble High Court Order, dated 5-6-2003.	Ex.M86— Copy of the letter of petitioner, dated 3-1-2004.
Ex.M64— Copy of the letter given by petitioner to the INTUC Union, dated 19-3-2003.	Ex.M87— Copy of the letter of petitioner, dated 20-1-2004.
Ex.M65— Copy of INTUC to the petitioner, dated 25-7-2003.	Ex.M88— Copy of the letter of petitioner, dated 7-2-2004.
Ex.M66— Copy of INTUC to the petitioner, dated 31-7-2003.	Ex.M89— Copy of the letter of R. Vadivel, dated 8-2-2004.
Ex.M67— Copy of the wage slip in respect of petitioner, dated 31-7-2003.	Ex.M90— Copy of certified standing Order, dated 1-9-1966.
Ex.M68— Copy of the letter of CITU to the Registrar, Co-operative Department, dated 21-7-2003.	Ex.M91— Copy of the past records of the petitioner.
Ex.M69— Copy of the failure report, dated 25-7-2003.	Ex.M92— Glass tubes (2 Nos.).
Ex.M70— Copy of pamphlet of CITU.	Ex.M93— Cones (2 Nos.).
Ex.M71— Copy of the letter of the petitioner, dated 12-8-2003.	

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