



# புதுச்சேரி மாநில அரசிதழ்

## La Gazette de L'État de Poudouchéry

### The Gazette of Puducherry

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பொருளடக்கம்

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**GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT**

(G.O. Rt. No. 54/Lab./AIL/T/2018,  
Puducherry, dated 9th April 2018)

**NOTIFICATION**

Whereas, an Award in I.D. (L) No.38/2012, dated 08-02-2018 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Soundararaja Mills Limited, Nedungadu, Karaikal and Thiru S. Sagayaraj, over non-employment-Award of the Labour Court, Puducherry, has been received;

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

(By order)

**S. MOUTTOULINGAM,**

Under Secretary to Government, (Labour).

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

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

*Thursday, the 08th day of February, 2018*

**I.D. (L) No. 38/2012**

The Secretary, CITU,  
No. 14, Thennur,  
Surakudy Post,  
Thirunallar.

.. Petitioner

*Versus*

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

.. Respondent

This industrial dispute coming on 05-01-2018 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. 72/2006/Lab./AIL/J, dated 12-05-2006 for adjudicating the following:-

(i) Whether the termination of Thiru S. Sagayaraj by the management of M/s. Soundararaja Mills Limited, Nedungadu, Karaikal, is justified or not?

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

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

2. The petitioner union has filed a claim statement stating that the delinquent employee S. Sagayaraj was working as Doffer in the respondent establishment from 1987 and he had been receiving ₹ 6,000 per month as wage as a permanent worker and the management has announced the Voluntary Retirement Scheme without consulting with the labourers and that the respondent threatened, foisted a false case against the permanent workers and introduced Voluntary Retirement Scheme and only ₹ 40 was given to female employees who working as daily wages and that the delinquent employee who belonged the INTUC union against these practices of the respondent and has taken all the steps against the respondent management and as the said union failed to take any steps against the respondent, he joined in the petitioner union and acted not only against the respondent management and also taken steps against the Vice-President of the respondent for misappropriating ₹ 60 lakhs from the Employees Co-operative Society by filing a Writ Petition before the Hon'ble High Court, Chennai through his trade union and that the respondent asked and compelled the delinquent to resign from the petitioner union otherwise he should be terminated from service, but, the delinquent worker failed to heed the words of the respondent and that the respondent awaited to take action against the delinquent by way of victimisation and that the delinquent was on medical leave and while he went to the respondent mill for submitting, the ESI Certificate the management has refused to accept the leave letter of the delinquent and threatened him to withdraw the complaint from Police which was given by his brother and that the delinquent has not accepted for the same and that to prevent him from action of the respondent the delinquent has sent letters to various Government Officers, respondent management and also to trade union leaders and that while attending duty on 15-11-2003, the respondent management has without giving any written order has refused to permit the delinquent to enter into the industry and that therefore, the delinquent has sent a telegram to the Labour Officer and that on 17-11-2003

the delinquent has submitted a application to the Labour Officer (Conciliation) and the same was taken on file on 23-11-2003 by the Conciliation Officer and that the respondent management as a measure of self defence foisted a false case that the delinquent made baseless and false allegations against the officers of the respondent mill and suspended him pending enquiry by foisting false charge and that one Advocate Elanchezhian was appointed as Enquiry Officer to conduct the domestic enquiry against the delinquent for which the delinquent has sent a letter stating that since, he has raised a industrial dispute before the conciliation and is pending the Enquiry Officer should not conduct domestic enquiry and instead of the letter the Enquiry Officer proceeded with the enquiry and that the respondent without considering his past record of service issued the dismissal order which is against the principles of natural justice and disproportionate to the misconduct committed by the delinquent.

3. On the other hand, the respondent management has filed a counter statement stating that the petitioner union has not followed the statutory and mandatory legal procedure to raise the present dispute and has not conducted a General Body meeting and passed any resolution authorising the Secretary N. Ramar to raise the present dispute against the management and that therefore, the claim statement has to be rejected on that ground and it is also stated by them that the delinquent Sagayaraj has sent a letter stating false allegations against, the Vice-President of the respondent as well as the respondent mill and its officers in the public to the Vice-President (Technical) of the respondent under copy to 18 others and that the show cause notice was issued with suspension on 14-11-2008 and as the explanation submitted by the delinquent was not at all satisfactory and unacceptable, the respondent decided to hold full fledged domestic enquiry and accordingly, he has been served enquiry notices in advance and after receiving the enquiry notice the delinquent sent letters making baseless and false allegations against the respondent and the Enquiry Officer instead of attending the domestic enquiry proceedings and that the delinquent failed to attend the enquiry and that therefore, he was set *ex parte* and the Enquiry Officer has no other option except proceeded with enquiry proceedings and recorded oral and documentary evidence on the side of the management and closed the domestic enquiry on 07-02-2004 and submitted his report and findings on 01-03-2004 in which he found the delinquent Sagayaraj guilty of the charges levelled against him and thereafter, the notice was issued to the delinquent on 19-03-2004 enclosing with the report of the Enquiry Officer and that the explanation given by the delinquent on 02-04-2004 was contrary to the facts, quite unsatisfactory and unacceptable and that therefore, the delinquent was dismissed from service by order, dated 02-04-2005 in the large interest of industry.

4. After filing of the counter, this Court has decided the issue that whether the respondent management has conducted the domestic enquiry fairly and in accordance with the principles of natural justice. In the course of enquiry to decide the preliminary issue, on the side of the management witness was examined and some of the documents were marked and during the cross examination of management witness some of the documents were marked on the side of the petitioner and after hearing both sides this Court has held on 12-10-2011 that the domestic enquiry conducted by the respondent management is not valid and is in violation of principles of natural justice, and thereafter, no oral evidence has been let in and no exhibits has been marked by either sides in the further enquiry. Both side arguments were heard. On both side written arguments were filed and the same were carefully considered. In support of his case the learned Counsel for the respondent has relied upon the Judgment reported in 1967-68 Vol.33 FJR 151(SC) - Firestone Tyre and Rubber Co. Private Limited, Vs. Their workmen and AIR 1972 SC 2452.

5. *The point for consideration is:*

Whether the termination of S. Sagayaraj by the respondent management is justified or not and the industrial dispute raised by the petitioner union against the respondent management over termination of S. Sagayaraj from service is justified or not and if justified, what is the relief entitled to the worker S. Sagayaraj?

6. This reference has been made to this Tribunal to decide whether the termination of S. Sagayaraj by the respondent management is justified or not. The first contention of the respondent management is that the petitioner union has not followed the statutory and mandatory legal procedure to raise the present dispute and the union has not conducted the General Body meeting to raise the industrial dispute and the Secretary who raise the industrial dispute has not been authorised by the union. But, on perusal of records, it is learnt to this Court that the Secretary of the CITU union Ramar has raised the industrial dispute for the members of the union. The office bearer of the union can raise the industrial dispute. It is not disputed by the respondent management that, the said Ramar is not the Secretary of the union and they have not raised the such plea before the Conciliation Officer and that therefore, the contention raised by the respondent management that the Secretary has no *locus standi* to represent the union and has no right to raise the industrial dispute is not sustainable.

7. The second contention of the respondent management is that the domestic enquiry conducted by the management is valid. However, as this Court has already held that on 12-10-2011 that the alleged domestic enquiry conducted by the respondent management against the worker Sagayaraj as invalid and not in accordance with the principles of natural justice and the same was not challenged before the Hon'ble High Court and no further evidence was taken by the respondent management to establish and to prove that the domestic enquiry was conducted in accordance with the principles of natural justice and is valid in law, no further discussion is necessary to held that the termination on the foot of the said invalid domestic enquiry which was not conducted in accordance with the principles of natural justice is invalid and totally in violation of the labour laws and that therefore, as this Court has already held that the domestic enquiry conducted by the respondent management is invalid one and the further action taken by the respondent management on the foot of the said invalid domestic enquiry by which the petitioner was terminated is totally not acceptable and also not sustainable and that therefore, it is held that the respondent management has failed to establish that the domestic enquiry was conducted fairly without any bias and in accordance with the principles of natural justice and hence, it is to be held that the termination of S. Sagayaraj by the respondent management is not justified and the industrial dispute raised by the petitioner union over termination of service of S. Sagayaraj by the respondent management is justified and as such the worker S. Sagayaraj is entitled for order of reinstatement as claimed by the petitioner union.

8. As this Court has decided that termination of S. Sagayaraj by the respondent management is not justified and the industrial dispute raised by the petitioner union against the respondent management over termination of S. Sagayaraj from service is justified, it is to be decided whether the petitioner is entitled for back wages as claimed by him. There is no evidence that the said workman is working so far in any other industry and that there is no proof exhibited before this Court that he is working anywhere else. The respondent has not proved the fact that the petitioner has been working in any other establishment after his termination. However, the petitioner workman could have served at any other industry after his termination. Further, as the worker S. Sagayaraj is having 16 years of service and has been illegally terminated by respondent management, he is entitled for back wages, considering the above facts and circumstances, this Court decides that the petitioner is entitled only for 30% back wages with continuity of service and other attendant benefits.

9. In the result, the petition is allowed and the termination of service of S. Sagayaraj by the respondent management is not justified and the industrial dispute raised by the petitioner union against the respondent management over termination of service of S. Sagayaraj is justified and Award is passed directing the respondent management to reinstate the petitioner in service within one month from the date of this Award and further directed the respondent management 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 the Stenographer, transcribed by her, corrected and pronounced by me in the open Court on this the 08th day of February, 2018.

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

*List of petitioner's witnesses:* — Nil

*List of petitioner's exhibits:* — Nil

*List of respondent's witnesses:* — Nil

*List of respondent's exhibits:* — Nil

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

**GOVERNMENT OF PUDUCHERRY**  
**LABOUR DEPARTMENT**

(G.O. Rt. No. 55/Lab./AIL/T/2018,  
Puducherry, dated 9th April 2018)

**NOTIFICATION**

Whereas, an Award in I.D. (T) No. 14/2009, dated 08-02-2018 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the industrial dispute between the Management of M/s. Vinayaka Missions Medical College and Hospital, Karaikal and Vinayaka Mission's Staff Welfare Union, Karaikal, over charter of demands and pay revision on par with employees of Government Medical Colleges in the revised Pay Structure of 6th Central Pay Commission, has been received;

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

(By order)

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

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

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

*Thursday, the 08th day of February, 2018*

**I.D (T). No. 14/2009**

The President/Secretary,  
M/s. Vinayaga Mission's Staff Welfare Union,  
No.19, 4th Cross, Nehru Nagar,  
Thalatheru (PO),  
Karaikal-609 605. . . Petitioner

*Versus*

The Management,  
Vinayaga Missions' Medical College and Hospital,  
Keezhakasakudymedu, Kottucherry (PO),  
Karaikal. . . Respondent

This industrial dispute coming on 23-01-2018 before me for final hearing in the presence of Thiru G. Mohan Keerthi Kumar, Advocate for the petitioner and Thiru K. Ilancheliyan, 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. 135/AIL/Lab./J/2009, dated 24-09-2009 for adjudicating the following:-

(i) Whether the demand of the Vinayaga Mission's Staff Welfare Union, Karaikal against the management of M/s. Vinayaga Missions' Medical College and Hospital, Karaikal, over charter of demands and pay revision on par with employees of Government Medical Colleges in the revised Pay Structure of 6th Central Pay Commission is justified or not?

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

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

2. The averments in the claim statement of the petitioner, in brief, are as follows:

The charter of demands was submitted by the petitioner union on 18-12-2008 to the Chairman of the respondent University and followed by that two reminders were sent on 02-03-2009 and 07-03-2009. On 02-03-2009, the management informed the union about the meeting on 02-03-2009 through letter. On 03-03-2009, it was informed by the management that the meeting proposed to be held on 02-03-2009 was cancelled. On 08-03-2009 the union received the letter, dated 06-03-2009 by the management intimating that the meeting will be conducted on 13-03-2009 at 4.00 p.m. in the chamber of the Director of the Hospital. While so the management addressed a letter to the Labour Officer (Conciliation), Karaikal on 12-03-2009 contending that the union would not attend the negotiation to be held on 13-03-2009. On 21-04-2009 the union through its letter exposed the evil designs of the management in making a false complaint to the Labour Officer (Conciliation), Karaikal. Actually, the union attended the conciliation meeting on 13-03-2009. On being driven from pillar to post the union left with no other option, has raised the industrial dispute on 16-03-2009 before the Labour Officer (Conciliation), Karaikal and on failure of the conciliation the Labour Officer (Conciliation), Karaikal has submitted a failure report on 07-07-2009 to the Government. The union has addressed a letter to the Secretary to Government (Labour), bringing out the irregularities in the failure report. Earlier to this, the another staff union by name Vinayaka Mission's Medical College and Hospital non-teaching Staff Union raised an industrial dispute for revision of wages before the Labour Conciliation Officer and the dispute was ended in failure and the same was referred to the Industrial Tribunal by the Government and the dispute was pending before the Industrial Tribunal as I.D. (T). No. 3 of 2005. The executive members of the said union were however won over by the respondent management. The said union and the management effected 18(1) settlement on 24th May, 2006 which was against the wishes of the members.

About 38 members left the union and formed a new union by name M/s. Vinayaka Mission's Staff Welfare Union, the petitioner union. The petitioner union has made an application before the Labour Tribunal, Puducherry in I.A. No. 28 of 2006 in I.D. No. 3 of 2005 to implead the union as necessary party in which the Labour Tribunal has dismissed the I.A. on 20-03-2007. On 29-03-2007 the Award was passed by the Industrial Tribunal at Puducherry in terms of 18(1) settlement effected on 24-05-2006 against which the union has filed Writ Petitions in WP. No. 23027/2007 and WP. No. 23360/2007 praying to call for the records of the I.D. No. 3/2005 and to quash the Award and also prayed to fix the Pay Structure on par with guidelines of U.G.C. in which the Hon'ble High Court has directed the union to present a charter of demand afresh by its order, dated 15-12-2008. The union submitted the charter of demands on 18-12-2008. The management instead of entering upon negotiation has driven the staff of this union from pillar to post. The management has suspended the Executives and Members of the petitioner on false and frivolous charges. Some protected workmen are also placed under suspension. The act of management is in total violation of section 33 of the Industrial Dispute Act. The management has no standing order of its own and the terms of the appointment also do not spell out the requirement of section 33(2) of the Industrial Dispute Act. The trade union is making a separate complaint to the Industrial Tribunal under section 33 (A) of the Industrial Dispute Act, 1947. The management in order to crush the lawful activity of the petitioner union and other unions of the workmen in the Vinayaka Mission Medical College and Hospital in Karaikal have also purchased the Kottucherry Police Station of Karaikal and made them register an FIR in Cr.No.105/2009, dated 10-10-2009 under section 143, 324 and 506(2) IPC. A suit was also filed by the respondent management before the Court of District Munsif of Salem against the petitioner union and the executive members with the prayer to declare the registration of the trade unions as illegal and with other consequential relief and subsequently the suit was withdrawn as not pressed. The management had also approached the Hon'ble High Court of Madras by way of Writ wherein the Hon'ble High Court passed an order on 04-09-2009 by grant of interim injunction against the trade union restraining them from protesting within 500 meters of the College premises. The charter of demand carries the demand

for revision of pay, payment of arrears, demand for leave, as casual leave, earned leave, medical leave, maternity leave, paternity leave and also claims promotion, travelling allowance, dearness allowance and house rent allowance and the demands are genuine and requires to be effected forthwith. As per regulations of the Medical Council Act, the establishment of new Medical Colleges, opening of higher course of study, they have to give salary minimum as per UGC scale. The management has indulged in unfair labour practice to crush the activities of the union and to wreak vengeance against the members of the union.

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

The respondent is running Medical College at Karaikal and to impart practical education and also running a teaching Hospital. There are about two hundred and seventy permanent employees in the non-teaching category. The non-teaching employees are having three unions namely, Vinayaka Missions Medical College and Hospital Non-Teaching Staff Union, Vinayaka Missions Staff Welfare Union and Vinayaka Missions Tholilalar Munnettra Sangam. Out of the three unions the petitioner union is having not even ten percent as its members as required under the Trade Unions Act, 1926. The petitioner union is a rival and spilted group from the Vinayaka Missions Medical College and Hospital Non-Teaching Staff Union. The approach and attitude of the petitioners union towards the respondent management were always aggressive, violent and not in the general interest of the institution and other employees as a whole. The petitioner union has not even come forward to furnish its list of members for purpose of recognition and negotiation when it was demanded. Some of the members belonging to the petitioner union indulged in violent acts when the dispute was pending before this Tribunal. They entered into direct action taking the law in their own hands threatened the management and committed various serious misconducts. Therefore, the respondent was constrained to take disciplinary action within the parameter of law. The disciplinary actions taken by the respondent management were only for their direct involvement and misconducts not connected with this dispute. The application for approval under section 33(2)(b) of the Industrial Disputes Act, 1947 was already filed by the respondent and the petitioner under section 33A was filed by the petitioner alleging dismissal of its

members in contravention of the said Act. The demands raised by other two unions for revision of wages and other benefits were pending before this Tribunal *vide* I.D. No. 11 of 2009 and I.D.No.4 of 2010. The said two unions enjoy majority support of the non-teaching employees and petitioner union does not represent substantial number of employees. Though, the petitioner union is having a right to represent for grievances of its individual members it does not have any legal right to prefer any common demand such as wage revision and other benefits to all the employees and if, any decision is taken on the basis of their demand it would be prejudicial to the interest of the majority employees. The claim made by the petitioner union need no separate consideration and if, at all necessary, the petitioner union is obliged to agree and adopt any award that may be passed by this Tribunal in I.D. No. 11 of 2009 and I.D. No. 4 of 2010 only.

4. In the course of enquiry on the side of the petitioner PW.1 was examined and Ex.P1 to Ex.P54 were marked. On the side of the respondent, evenafter, sufficient time/opportunities given for his side evidence, the respondent called absent and no oral or documentary evidence has been adduced and hence, this Court has closed the evidence of the respondent and posted the case for argument. Both sides are heard.

5. *The point for consideration is:*

Whether the dispute raised by the petitioner union against the respondent management over charter of demands and pay revision on par with employees of Government Medical Colleges in the revised pay structure of the 6th Central Pay Commission is justified or not and if justified, what is the relief entitled to the petitioner union ?

6. This dispute has been raised by the petitioner union over the charter of demands made by the petitioner union for the pay revision on par with the employees of the Government Medical Colleges in the revised Pay Structure on the Sixth Central Pay Commission. In order to prove their case the President of the petitioner union has been examined himself as PW.1 and it is the evidence of the PW.1 that the charter of demands was submitted by the petitioner union on 18-12-2008 to the Chairman of the respondent University and followed by that two reminders were sent on 02-03-2009 and 07-03-2009 and that on 02-03-2009 the management informed the union about the meeting on 02-03-2009 through letter and on 03-03-2009 it was informed by the management that the meeting

proposed to be held on 02-03-2009 was cancelled and that on 08-03-2009, the union received the letter, dated 06-03-2009 by the management intimating that the meeting will be conducted on 13-03-2009 at 4.00 p.m., in the chamber of the Director of the Hospital and while so the management addressed a letter to the Labour Officer (Conciliation), Karaikal on 12-03-2009 contending that the union would not attend the negotiation to be held on 13-03-2009 and that on 21-04-2009 the union through its letter exposed the evil designs of the management in making a false complaint to the Labour Officer (Conciliation), Karaikal and that actually the union attended the conciliation meeting on 13-03-2009 and that being driven from pillar to post the union left with no other option, has raised the industrial dispute on 16-03-2009 before the Labour Officer (Conciliation), Karaikal and on failure of the conciliation the Labour Officer (Conciliation), Karaikal, has submitted a failure report on 07-07-2009 to the Government and that the union has addressed a letter to the Secretary to Government (Labour), bringing out the irregularities in the failure report.

7. It is the further evidence of the PW.1 that previously another staff union by name Vinayaka Mission's Medical College and Hospital non-teaching staff union raised an industrial dispute for revision of wages before the Labour Conciliation Officer and the dispute was ended in failure and the same was referred to the Industrial Tribunal by the Government of Puducherry and the dispute was pending before the Industrial Tribunal as I.D(T). No. 3 of 2005 and that the executive members of the said union were however won over by the respondent management and that the said union and the management effected 18(1) settlement on 24th May, 2006 which was against the wishes of the members and that about 38 members left the union and formed a new union by name M/s.Vinayaka Mission's Staff Welfare Union the petitioner union and that the petitioner union has made an application before the Labour Tribunal, Puducherry in I.A. No. 28 of 2006 in I.D. No. 3 of 2005 to implead the union as necessary party in which the Labour Tribunal has dismissed the I.A on 20-03-2007 and on 29-03-2007 the Award was passed by the Industrial Tribunal at Puducherry in terms of 18(1) settlement effected on 24-05-2006 against which the union has filed the Writ Petitions in WP. No. 23027/2007 and WP. No. 23360/2007 praying to call for the records of the I.D. No. 3/2005 and to quash the Award and also prayed to fix the Pay Structure on par with the guidelines of U.G.C. in which the Hon'ble High Court has directed the union to present a charter of demand afresh by its order, dated

15-12-2008 and hence, the union submitted the charter of demands on 18-12-2008 and that the management instead of entering upon negotiation has driven the staff of this union from pillar to post and the management has suspended the Executives and Members of the petitioner on false and frivolous charges and some protected workmen are also placed under suspension and the act of management is in total violation of section 33 of the Industrial Dispute Act.

8. It is the further evidence of the PW.1 that the management has no standing order of its own and the terms of the appointment also do not spell out the requirement of section 33(2) of the Industrial Dispute Act and the trade union is making a separate complaint to the Industrial Tribunal under section 33 (A) of the Industrial Dispute Act, 1947 and that the management in order to crush the lawful activity of the petitioner union and other unions workmen in the Vinayaka Mission Medical College and Hospital in Karaikal, have also purchased the Kottucherry Police Station of Karaikal and made them register an FIR in Cr.No. 105/2009, dated 10-10-2009 under section 143, 324 and 506(2) IPC and a suit was also filed by the respondent management before the Court of District Munsif of Salem against the petitioner union and the executive members with the prayer to declare the registration of the trade unions as illegal and with other consequential relief and subsequently, the suit was withdrawn as not pressed and that the management had also approached the Hon'ble High Court of Madras by way of Writ, wherein, the Hon'ble High Court passed an order on 04-09-2009 by grant of interim injunction against the trade union restraining them from protesting within 500 meters of the College premises and the charter of demand carries the demand for revision of pay, payment of arrears, demand for leave, as casual leave, earned leave, medical leave, maternity leave, paternity leave and also claims promotion, travelling allowance, dearness allowance and house rent allowance and the demands are genuine and requires to be effected forthwith and that as per regulations of the Medical Council Act, the establishment of new Medical Colleges, opening of higher course of study, they have to give salary minimum as per UGC Scale and that the management has indulged in unfair labour practice to crush the activities of the union and to wreak vengeance against the members of the union.

9. In support of their oral evidence the petitioner union has exhibited Ex.P1 to Ex.P54. Ex.P1 is the copy of claim statement in I.D(T). No. 3 of 2005 filed by Vinayaka Mission Medical College and Hospital, non-teaching staff union. Ex.P2 is the copy of memorandum of settlement under section 18(1) of the

Industrial Disputes Act, between management and the trade union. Ex.P3 is the copy of order in I.A. No. 28/2006 in I.D(T). No. 3/2005 by Industrial Tribunal, Puducherry. Ex.P4 is the copy of Award in I.D. No. 3/2005 by the Industrial Tribunal, Puducherry. Ex.P5 is the copy of common Order in WP. No. 23360 and 23027 of 2007 and M.P. No. 1 of 2007 and 1 of 2008 by the Hon'ble High Court of Madras. Ex.P6 is the copy of demands submitted by the petitioner union to the management. Ex.P7 is the copy of reminder to the charter of demand by the petitioner union to the management. Ex.P8 is the copy of letter by the management to the petitioner union. Ex.P9 is the copy of letter by the management to the petitioner union. Ex.P10 is the copy of letter by the management to the petitioner union. Ex.P11 is the copy of second reminder by the petitioner union to the management. Ex.P12 is the copy of letter by the petitioner union to the management. Ex.P13 is the copy of industrial dispute raised by the management against the petitioner union to the Labour Officer (Conciliation). Ex.P14 is the copy of letter notice of enquiry/ conciliation address to the petitioner union by the Labour Officer (Conciliation). Ex.P15 is the copy of the letter by the trade union to the Labour officer (Conciliation), Ex.P16 is the copy of the letter by the petitioner union to the Labour Officer. Ex.P17 is the copy of failure report by the Labour Officer to the Secretary to the Government, Puducherry. Ex.P18 is the copy of letter by the petitioner union to the secretary to the Government. Ex.P19 is the copy of notification of the Labour Department. Ex.P20 is the copy of Gazette carrying the notification of I.D. Ex.P21 is the copy of the establishment of new Medical Colleges, opening of higher courses of study and increase of admission capacity in Medical Colleges Regulations, 1993 (The Indian Medical Council Act, 1956). Ex.P22 is the copy letter by Perunthalaivar Kamaraj Medical College and Research Institute to the Secretary (Health) Puducherry, copy marked to the Joint Secretary of the petitioner union carrying the information about Medical Colleges of Puducherry. Ex.P23 is the copy of the plaint filed by the management before the Court of District Munsif of Salem. Ex.P24 is the copy of order of High Court, Chennai. Ex.P25 is the copy of FIR in Crime No. 105/2009 of Kottucherry Police Station, Karaikal. Ex.P26 is the copy of letter by Medical Council of India. Ex.P27 is the copy of calculation of wage revision of workman S. Joseph Thaman. Ex.P28 is the copy of calculation of wage revision of workman U. Sivakumar. Ex.P29 is the copy of calculation of wage revision of workman S. Kanagaraj. Ex.P30 is the

copy-of calculation of wage revision of workman D.S. Mercy. Ex.P31 is the copy of calculation of wage revision of workman S. Nilavazhagy. Ex.P32 is the copy of calculation of wage revision of workman G. Baskaran. Ex.P33 is the copy of calculation of wage revision of workman R. Kesavathy. Ex.P34 is the copy of calculation of wage revision of workman K. Sivanesan. Ex.P35 is the copy of calculation of wage revision of workman G. Vijayalakshmi. Ex.P36 is the copy of calculation of wage revision of workman R. Radha. Ex.P37 is the copy of calculation of wage revision of workman S. Leena. Ex.P38 is the copy of calculation of wage revision of workman G. Suba. Ex.P39 is the copy of calculation of wage revision of workman R. Assai Thambi. Ex.P40 is the copy of calculation of wage revision of workman T. Velmayil. Ex.P41 is the copy of calculation of wage revision of workman R. Dhandapani. Ex.P42 is the copy of calculation of wage revision of workman R. Ganesan @ Mariyappan. Ex.P43 is the copy of calculation of wage revision of workman R. Balasubramanian. Ex.P44 is the copy of calculation of wage revision of workman K. Veerapandiayn. Ex.P45 is the copy of calculation of wage revision of workman C. Devabalanchandar. Ex.P46 is the copy of calculation of wage revision of workman N. Kamaraj. Ex.P47 is the copy of calculation of wage revision of workman M. Arokianathan. Ex.P48 is the copy of calculation of wage revision of workman B. Albert Tremot Anand. Ex.P49 is the copy of calculation of wage revision of workman V. Senthilkumar. Ex.P50 is the copy of calculation of wage revision of workman F. Mariasamy Ilias. Ex.P51 is the copy of calculation of wage revision of workman D. Elamcazhuthi. Ex.P52 is the copy of calculation of wage revision of workman C. Anthony Kuber. Ex.P53 is the copy of calculation of wage revision of workman K. Boopathi, Ex.P54 is the copy of calculation of wage revision of workman M. Haji Mohammed.

10. On the other hand, the respondent has not examined any witness on their side. It is the contention of the respondent management that the respondent is running Medical College at Karaikal and to impart practical education and also running a Teaching Hospital and there are about two hundred and seventy permanent employees in the non-teaching category and that the non-teaching employees are having three unions namely, Vinayaka Missions Medical College and Hospital Non-Teaching Staff Union, Vinayaka Missions Staff Welfare Union and Vinayaka Missions Tholilalar Munnettra Sangam and out of the three unions the petitioner union is having not even ten percent as its members as required under the Trade Unions Act, 1926 and that the petitioner union is a rival and spilted group from the Vinayaka Missions Medical College and Hospital non-teaching staff union and the approach

and attitude of the petitioner union towards the respondent management were always aggressive, violent and not in the general interest of the institution and other employees as a whole and that the petitioner union has not even come forward to furnish its list of members for purpose of recognition and negotiation when it was demanded and that some of the members belonging to the petitioner union indulged in violent acts when the dispute was pending before this Tribunal and they entered into direct action taking the law in their own hands threatened the management and committed various serious misconducts and therefore, the respondent was constrained to take disciplinary action within the parameter of law and that the disciplinary actions taken by the respondent management were only for their direct involvement and misconducts not connected with this dispute and the application for approval under section 33(2)(b) of the Industrial Disputes Act, 1947 was already filed by the respondent and the petition under section 33A was filed by the petitioner alleging dismissal of its members in contravention of the said Act and that the demands raised by other two unions for revision of wages and other benefits were pending before this Tribunal *vide* I.D. No. 11 of 2009 and I.D. No. 4 of 2010 and that though, the petitioner union is having a right to represent for grievances of its individual members it does not have any legal right to prefer any common demand such as wage revision and other benefits to all the employees.

12. From the evidence and averments it is clear that it is not disputed by the respondent management that petitioner union has raised a dispute over charter of demands regarding wage revision and two other unions also has raised dispute over charter of demands for the same demand of wage revision and the case was pending in I.D. No. 11 of 2009 and I.D. No. 4 of 2010 along with this I.D. No. 14/2009 and it is also not disputed by either sides that this Court has disposed I.D. No. 11 of 2009 on 03-07-2013 on the foot of the settlement arrived at between the Vinayaka Missions Medical College and Hospital Non-Teaching Staffs Union and the respondent management and in view of the settlement arrived at between the parties this Tribunal has passed an Award as per the terms of settlement arrived at between them and the copy of the 18(1) settlement would form part of the Award.

12. The documents Ex.P1 to Ex.P54 exhibited by the petitioner union would reveal the fact that the dispute regarding charter of demands for wage revision was filed by the non-teaching staff union of the respondent establishment in I.D(T). No. 3/2005 and that there was settlement executed between the

management and the trade union on 16-04-2005 against which the petitioner union has filed a Writ Petition before the Hon'ble High Court in which this petitioner union has sought for the relief to quash the orders assed therein the industrial dispute and consequently direct the respondent management to pay wages due to the petitioner union in accordance with the pay structure followed by the Government Hospital, Karaikal and as fixed by the UGC with effect from the date of members of the petitioners joining their service with all consequential benefits arising there from and it is also learnt from Ex.P5 the order of the Hon'ble High Court that since, the period of settlement is over and new settlement has to be arrived which was represented before the Hon'ble High Court by the management and the Hon'ble High Court was pleased to direct the petitioner union to submit the charter of demands and the same has to be considered by the management while entering into the new settlement and it is also directed to the management that if, the petitioner union submitted any charter of demand the same shall also be considered while considering the demand of the majority union and it is also learnt from Ex.P21 that establishment of new Medical Colleges, opening of higher course of study and increase of admission capacity in Medical College Regulations, 1993 which has been stated the man power programme including department-wise requirements of teaching staff -full time, technical, administrative and ancillary staff, category-wise recruitment criteria and salary structure, *etc.*, minimum as per UGC scale.

13. However, admittedly, as per the case of the petitioner union the majority has entered into the 18(1) settlement and this petitioner union is the minority union and the majority union has also entered the settlement and it is clear from the evidence of PW.1 that out of 244 non-teaching staffs the petitioner union is having only 28 members and it is also has been admitted by PW.1 the Secretary of the union that their union is not the majority union and on perusal of Ex.P5 - the order of the Hon'ble High Court which would reveal that though, the petitioner union has sought for the relief of wage revision on par with the UGC scale the Hon'ble High Court has not granted any relief and in stead of that directed the petitioner union to file the charter of demand and no relief has been granted in respect of wage revision. Further, on perusal of Medical College Regulations Part II of the regulation runs as follows:

“manpower programme : including department-wise requirements of teaching staff (full-time), technical, administrative and ancillary staff, category-wise recruitment criteria and salary structure, *etc.*, (minimum as per UGC scale)”

From the above regulation, it is clear that whenever new Colleges are opened, they have to pay minimum scale if, University Grant Commission has fixed pay for any category of non-teaching staffs. The learned Counsel for the respondent management has argued that no such pay has been fixed by the University Grants Commission for the non-teaching staffs of the Medical College. The petitioner also has not filed any document to prove that what the pay is fixed by the University Grant Commission for the non-teaching staffs of the Government Medical Colleges as per the Regulations, 1993 and no pay structure is produced by the petitioner union under UGC scale.

14. Further, the petitioner has raised the industrial dispute before the Conciliation Officer claiming wage revision from the management and pay revision on par with the employees of the Government Medical Colleges in the pay revised structure of Sixth Pay Commission. But, the petitioner union has filed the claim petition sought for an Award directing the management to pay wage revision in the tune with UGC Scale line and on par with the employees of the Government Medical College in the revised Pay structure of the Sixth Pay Commission Recommendations. The petitioner has not at all submitted any document to prove the claim that the respondent management is liable to give pay revision on par with the employees of the Government Medical Colleges in the revised Pay Structure of Sixth Pay Commission *i.e.*, the petitioner union has not adduced any evidence that how they are entitled for the pay revision on par with the employees of the Government Medical Colleges. Though, they have let evidence that they are entitled for UGC scale they have not raised the industrial dispute to revise the salary on par with the UGC scale instead of that the petitioner union has asked to revise their salary on par with the employees of the Government Medical Colleges in the Pay Structure of Sixth Pay Commission.

15. Furthermore, the petitioner union has not at all established that how they are entitled for revised pay structure of the Sixth Pay Commission. The petitioners have exhibited the Medical College Regulation Rules for support of their case and they claimed for wage revision as per the UGC Scale. But, the reference has not been sent to this Court to decide whether they are entitled for UGC Scale as claimed by them. As rightly pointed out by the respondent management that no evidence has been adduced by the petitioner union that how much pay has been fixed for the non-teaching staffs of the Medical Colleges and that therefore, as the petitioners have failed to establish that they are entitled for the pay revision on par with the employees of the Government Medical College in the revised Pay

Structure of Sixth Pay Commission it is to be held that the industrial dispute raised by the petitioner union against the respondent management over charter of demands and pay revision on par with employees of Government Medical Colleges in the revised Pay Structure of 6th Central Pay Commission is not sustainable and that therefore, the claim of the petitioner union for revision of pay on par with the employees of the Government Medical Colleges in the Pay Structure of the Sixth Pay Commission recommendations is rejected and the claim petition in respect of the same is liable to be dismissed and the petitioners are not entitled for such wage revision on par with the employees of the Government Medical Colleges.

16. However, the petitioners have established that they are entitled to get the minimum UGC Scale as per the Medical College Regulations. But, the said regulations does not provide pay revision on par with the employees of the Government Medical Colleges in the structure of Sixth Pay Commission. Hence, the petitioners are entitled only to get the pay on par with the UGC Scale if any, fixed by the University Grants Commission for the non-teaching staffs of the Medical Colleges and therefore, it is to be held that the industrial dispute raised by the petitioner union against the respondent management over the charter of demands and pay revision on par with the employees of Government Medical Colleges in the revised pay structure of 6th Central Pay Commission is not justified. But, an Award can be passed directing the, respondent management to give pay revision under UGC scale to the members of the petitioner union.

17. In the result, petition is partly allowed and the industrial dispute raised by the petitioner union against the respondent management over charter of demands and pay revision on par with the employees of Government Medical Colleges in the revised Pay Structure of 6th Central Pay Commission is not justified and however, Award is passed directing the respondent management to give wage revision to the members of the petitioner union on par with the minimum UGC scale if any, fixed by the University Grant Commission from the date of dispute raised by the petitioner union. No cost.

Dictated to the Stenographer, transcribed by her, corrected and pronounced by me in the open Court on this the 08th day of February, 2018.

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

*List of petitioner's witnesses:*

PW.1 —03-12-2010 Devabalanchandar

*List of petitioner's exhibits:*

Ex.P1 —21-11-2005 Copy of claim statement in ID(T).No.3 of 2005 filed by Vinayaka Mission Medical College and Hospital, non-teaching staff union.

Ex.P2 —16-04-2005 Copy of memorandum of settlement under section 18(1) of the Industrial Disputes Act, between management and the trade union.

Ex.P3 —20-03-2007 Copy of order in I.A. No. 28/2006 in I.D(T). No. 3/2005 by Industrial Tribunal, Puducherry.

Ex.P4 —29-03-2007 Copy of Award in I.D. No. 3/2005 by the Industrial Tribunal, Puducherry.

Ex.P5 —15-12-2008 Copy of Common Order in WP. No. 23360 and 23027 of 2007 and M.P. No. 1 of 2007 and 1 of 2008 by the Hon'ble High Court of Madras.

Ex.P6 —18-12-2008 Copy of demands submitted by the petitioner union to the management.

Ex.P7 —02-03-2009 Copy of reminder to the charter of demand by the petitioner union to the management.

Ex.PS —02-03-2009 Copy of the letter by the management to the petitioner union.

Ex.P9 —03-03-2009 Copy of the letter by the management to the petitioner union.

Ex.P10—06-03-2009 Copy of the letter by the management to the petitioner union.

Ex.P11—08-03-2009 Copy of second reminder by the petitioner union to the management.

Ex.P12—10-03-2009 Copy of the letter by the petitioner union to the management.

|                   |   |                   |  |
|-------------------|---|-------------------|--|
| Ex.P13—12-03-2009 | Copy of industrial dispute raised by the management against the petitioner union to the Labour Officer (Conciliation).  | Ex.P25—29-09-2009 | Copy of FIR in Crime No. 105/2009 of Kottucherry Police Station, Karaikal. |
| Ex.P14—13-03-2009 | Copy of letter notice of enquiry/conciliation address to the petitioner union by the Labour Officer (Conciliation).   | Ex.P26—14-09-2007 | Copy of letter by Medical Council of India.                                |
| Ex.P15—16-03-2009 | Copy of the letter by the trade union to the Labour Officer (Conciliation).   | Ex.P27—01-12-2009 | Copy of calculation of wage revision of workman S. Joseph Thaman.          |
| Ex.P16—21-04-2009 | Copy of the letter by the petitioner union to the Labour Officer.   | Ex.P28—01-12-2009 | Copy of calculation of wage revision of workman U. Sivakumar.              |
| Ex.P17—07-07-2009 | Copy of failure report by the Labour Officer to the Secretary to the Government, Puducherry.  | Ex.P29—01-12-2009 | Copy of calculation of wage revision of workman S. Kanagaraj.              |
| Ex.P18—15-07-2009 | Copy of letter by the petitioner union to the Secretary to the Government.  | Ex.P30—01-12-2009 | Copy of calculation of wage revision of workman D.S. Mercy.                |
| Ex.P19—24-09-2009 | Copy of notification of the Labour Department.  | Ex.P31—01-12-2009 | Copy of calculation of wage revision of workman S. Nilavazhagy.            |
| Ex.P20—13-10-2009 | Copy of Gazette carrying the notification of I.D.   | Ex.P32—01-12-2009 | Copy of calculation of wage revision of workman G. Baskaran.               |
| Ex.P21—1993       | Copy of the establishment of new Medical Colleges, opening of higher courses of study and increase of admission capacity in Medical Colleges regulations, 1993 (The Indian Medical Council Act, 1956).  | Ex.P33—01-12-2009 | Copy of calculation of wage revision of workman R. Kesavathy.              |
| Ex.P22—11-02-2009 | Copy of the letter by Perunthalaivar Kamaraj Medical College and Research Institute to the Secretary (Health) Puducherry, copy marked to the Joint Secretary of the petitioner union carrying the information about Medical Colleges of Puducherry. | Ex.P34—01-12-2009 | Copy of calculation of wage revision of workman K. Sivanesan.              |
| Ex.P23—30-10-2009 | Copy of the plaint filed by the management before the Court of District Munsif of Salem.  | Ex.P35—01-12-2009 | Copy of calculation of wage revision of workman G. Vijayalakshmi.          |
| Ex.P24—24-09-2009 | Copy of order of High Court, Chennai.   | Ex.P36—01-12-2009 | Copy of calculation of wage revision of workman R. Radha.                  |
|                   |   | Ex.P37—01-12-2009 | Copy of calculation of wage revision of workman S. Leena.                  |
|                   |   | Ex.P38—01-12-2009 | Copy of calculation of wage revision of workman G. Suba.                   |
|                   |   | Ex.P39—01-12-2009 | Copy of calculation of wage revision of workman R. Assai Thambi.           |
|                   |   | Ex.P40—01-12-2009 | Copy of calculation of wage revision of workman T. Velmayil.               |

Ex.P41—01-12-2009 Copy of calculation of wage revision of workman R. Dhandapani.

Ex.P42—01-12-2009 Copy of calculation of wage revision of workman R. Ganesan @ Mariyappan.

Ex.P43—01-12-2009 Copy of calculation of wage revision of workman R. Balasubramanian.

Ex.P44—01-12-2009 Copy of calculation of wage revision of workman K. Veerapandian.

Ex.P45—01-12-2009 Copy of calculation of wage revision of workman C. Devabalanchandar.

Ex.P46—01-12-2009 Copy of calculation of wage revision of workman N. Kamaraj.

Ex.P47—01-12-2009 Copy of calculation of wage revision of workman M. Arokianathan.

Ex.P48—01-12-2009 Copy of calculation of wage revision of workman B. Albert Tremot Anand.

Ex.P49—01-12-2009 Copy of calculation of wage revision of workman V. Senthilkumar.

Ex.P50—01-12-2009 Copy of calculation of wage revision of workman F. Mariasamy Ilias.

Ex.P51—01-12-2009 Copy of calculation of D. Elamcazhuthi.

Ex.P52—01-12-2009 Copy of calculation of C. Anthony Kuber.

Ex.P53—01-12-2009 Copy of calculation of wage revision of workman K. Boopathi.

Ex.P54—01-12-2009 Copy of calculation of wage revision of workman M. Haji Mohammed.

*List of respondent's witnesses:— Nil*

*List of respondent's exhibits: — Nil*

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

GOVERNMENT OF PUDUCHERRY

**OFFICE OF THE CHIEF EDUCATIONAL OFFICER, PUDUCHERRY**

*No. 650/CEO/Exam Cell/2018.*

*Puducherry, the 29th May 2018.*

NOTIFICATION

It is hereby notified that the following candidates have lost their original S.S.L.C. Mark Certificates and beyond the scope of recovery, the necessary steps have been taken to issue duplicate certificates. If, anyone finds the original mark certificate(s), it/they may be sent to the Secretary, State Board of School Examinations (Sec.), College Road, Chennai-600 006 for cancellation, as it is/they are no longer valid.

| Sl. No. | Name of the applicant  | Register No., session and year | Sl. No. of the mark certificate | School in which studied last                           |
|---------|------------------------|--------------------------------|---------------------------------|--|
| (1)     | (2)                    | (3)                            | (4)                             | (5)  |
| 1       | Thiru C. Thamizharasan | 1681728, March 2016            | —                               | Amalorpavam Higher Secondary School, Puducherry.       |
| 2       | Thiru D. Vadivelan     | 336679, April 1997             | —                               | T.T. Thiru Vi. Ka. Government High School, Puducherry. |

**V. RANGANATHAN,**  
Chief Educational Officer.