



புதுச்சேரி மாநில அரசிதழ்

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**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G. O. Rt. No. 40/Lab./AIL/T/2018,
Puducherry, dated 12th March 2018)

NOTIFICATION

Whereas, an Award in I.D. (L) No.42/2013, dated 23-1-2018 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Whirlpool of India Limited, Thirubuvanaï, Puducherry and Thiru D. Palanivel over his 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.

Tuesday, the 23rd day of January, 2018

I.D. (L) No. 42/2013

D. Palanivel,
No. 54, Kamaraj Street,
II Cutting Extension,
Murungapakkam,
Puducherry-605 004. Petitioner

Versus

The Managing Director,
M/s. Whirlpool of India Limited,
Thirubuvanaï,
Puducherry-605 007. Respondent

This industrial dispute coming on 10-1-2018 before me for final hearing in the presence of Thiru R.S. Zivanandam, Counsel for the petitioner and Thiru A. Latchoumicandane, 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.158/AIL/Lab./J/2013, dated 31-10-2013 for adjudicating the following:-

(i) Whether the dispute raised by Thiru. D. Palanivel against the management M/s. Whirlpool of India Limited, Thirubuvanaï, Puducherry over his non-employment is justified? If justified, what relief he is entitled to?

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

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

The petitioner joined as a Government Apprentice under the recommendation of the Government on 23-5-2007. He completed the Apprenticeship for the period from 23-5-2007 to 22-5-2008 in the respondent factory satisfactorily. His name was chosen for appointment on 23-5-2008 by the respondent factory. The same was also forwarded to the Labour Department, Government of Puducherry. Immediately, on 23-5-2005 he joined with the respondent factory as a Trolley Wheel Mechanic. He worked as an industrial workman satisfactorily from 23-5-2008 to 31-10-2009 for more than one year and 5 months until his accident in the factory. During the course of employment he met with an industrial accident on 30-10-2009. He was initially admitted in the private Hospital namely A.G. Padmavathi Hospital Limited, Puducherry. His two phalanges of his right middle finger and index finger were amputated. He was discharged from the Hospital on 04-11-2009 after operation. He underwent treatment for more than one year in various Hospitals and Clinics and after he was fit for duty he approached the respondent factory for joining duty. In the year 2010, he approached the respondent for joining duty but, he was refused a job. Hence, he lodged a complaint with the Trade Union of his industry and that too went in vain. Therefore, he sent a notice of industrial dispute, dated 20-10-2012 and the respondent acknowledged the letter on 14-11-2012. No reply has been received from the respondent side. Hence, he preferred an industrial dispute on 24-12-2012 for his reinstatement with back wages and also for compensation for the loss of two phalanges of the

right middle and index finger. He prayed this Tribunal to pass an Award directing the respondent management to reinstate him with full back wages from the date of his dismissal and also for the compensation for the loss of the two phalanges of the right hand finger and index finger.

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

The respondent denied all the allegations made in the claim petition and stated that the petition filed by the petitioner is not maintainable neither in law nor on facts. The petitioner joined on 23-5-2007 as Government Apprentice as per the recommendation of the Apprentice Advisor, Government of Puducherry as per Apprenticeship Act. The petitioner completed his apprenticeship in the respondent company for a period one year from 23-5-2007 to 22-5-2008. The certificate of apprenticeship was issued by the respondent as per the norms to the petitioner. The relation between the petitioner and the respondent ended after the completion of apprenticeship. After few months the petitioner approached the respondent and asked for a job orally for which the respondent informs him orally, they will inform when required. The petitioner tried in many ways to get a job. Since the vacancy does not arise the respondent could not able to give him a right job. While so, the petitioner raised a individual industrial dispute before the Labour Conciliation Officer, Puducherry for which the respondent replied to the Conciliation Officer and the conciliation ended in failure. The petitioner was an apprentice and he cannot claim employment based on the certificate of apprenticeship as a matter of right and he has got no *locus standi* to raise industrial dispute and he will not come under the purview of worker and there is no employer and employee relationship. At no point of time the petitioner was appointed in the respondent company and therefore, the question of dismissal will not arise and the petitioner cannot claim reinstatement with back wages and for compensation under section 2A of the Industrial Disputes Act, 1947. The apprentices are trainees and not workmen and if any, dispute arise, then the settlement has to be made by the Apprentice Advisor as per section 20 of Apprentice Act 1961 and his decision thereof is final. The petitioner had not even given any written request for the employment and after the completion of the apprenticeship, the petitioner has not even worked a day and the petitioner has approached this Court with unclean hands and false

information in order to get appointment in the respondent company. The petitioner has not filed any documentary evidence to show that he worked in the respondent factory, neither an appointment order nor any other records which is normally an employee will hold. There is nothing mentioned in the discharge summary issued by the Hospital authority that the accident took place at the factory. There is no evidence to show the history of accident in the discharge summary which the Doctors would normally mentioned at the time of admission of the patient. Without any proof of evidence the allegation of the petitioner is a created story for the sake of the case. As per the provision of law, the apprentice is not a worker as per section 18 of Apprentice Act, 1961 and the petitioner cannot claim industrial dispute. The finding of the Conciliation Officer is not correct and the Conciliation Officer failed to differentiate the Apprentice Act and the Industrial Disputes Act and therefore, prayed to dismiss the claim petition.

4. In the course of enquiry on the side of the petitioner PW.1 to PW.4 were examined and Ex.P1 to Ex.P14 were marked and on the side of the respondent RW.1 was examined and Ex.R1 to Ex.R5 were marked. Arguments of both sides are heard.

5. The submission of both the parties, the evidence let in by either sides and the exhibits marked on both sides are carefully considered. In support of his case, the learned Counsel for the respondent relied upon the Judgments reported in 2000 AIR (SC) 2524, (2013) AIR(SC) 403, 2004 (2) MLJ 631, 2004 Supreme (Raj) 829 and 2017 Supreme (ALL) 356 and the same was also carefully considered.

6. The point for consideration is:

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

7. It is the evidence of the PW.1 that he has joined at the respondent establishment as a Government Apprentice on 23-5-2007 and he has completed the Apprentice period successfully on 22-5-2008 and thereafter, he has been appointed in the same capacity as Trolley Wheel Mechanic from 23-5-2008 and that he met with an accident on 30-10-2009 in which his two fingers were amputated and after the accident he was admitted at A.G. Padmavathi Hospital Limited, Puducherry for treatment and he was discharged on 04-11-2009 and he has taken treatment for about six

months at various hospitals including ESI Hospital as outpatient and incurred expenditure to the tune of rupees one lakh and that he fully recovered only in the month of June, 2010 and immediately in the month of June, 2010 he approached the respondent for re-instatement the security people did not allow him inside the factory and prevented him from entering the factory and hence, he had sent letters to the respondent and knocked the doors of the State Legal Aid Board and other authorities and that therefore, he has raised the industrial dispute against the respondent management.

8. To corroborate the evidence of PW.1 the petitioner has examined one Ashok Kumar as PW.2 who has stated in his evidence that he had been working at the respondent establishment from August, 2009 at Labour Department and he know the petitioner who had working at the same establishment and that on 30-10-2009 while he was working he saw that the company security has taken the petitioner in a two wheeler who sustained injuries and he found that there was bleeding in his right hand and he came to know that the petitioner was taken to A.G. Padmavathy Hospital by somebody else. From the said A.G. Padmavathy Hospital the staff was summoned and examined as witness who has deposed that the petitioner has taken treatment at their Hospital and his treatment records were exhibited as Ex.P13. The then employee of the respondent, Dr. Shyam Sunder Majumdar was examined as PW.4 who has deposed that he had been in service at the respondent from 1992 to 2002 and thereafter, he was acting as a consultant to the respondent establishment and that there is an contract between the A.G. Padmavathy Hospital and the respondent establishment to give treatment to the employees and he does not know that the petitioner has sustained injuries on 30-10-2009 and that he has recommended to take treatment at A.G. Padmavathy Hospital and that he used to recommend to take treatment at A.G. Padmavathy Hospital whoever approached him.

9. In support of his case, the petitioner has exhibited Ex.P1 to Ex.P14. Ex.P1 is the conciliation failure report, dated 05-7-2012. Ex.P2 is the Apprenticeship training Scheme Hall Ticket for October, 2008. Ex.P3 is the Apprenticeship training Scheme Hall Ticket for October, 2008. Ex.P4 is the copy of demand for reinstatement letter, dated 20-10-2012. Ex.P5 is the Acknowledgment Card, dated 14-11-2012. Ex.P6 is the copy of letter to union, dated 06-7-2010. Ex.P7 is the copy of Service Certificate issued by the respondent on 22-5-2008. Ex.P8 is the copy of apprenticeship training interview

issued by the respondent on 17-5-2007 Ex.P9 is the copy of letter to Labour Conciliation Officer (Form K), dated 24-12-2012. Ex.P10 is the copy of discharge summary along with prescription and bills, dated 30-10-2009. Ex.P11 is the confession statement of Mr. G. Keerthi. Ex.P12 is the copy of apprenticeship contract form, dated 20-6-2007. Ex.P13 is the authorisation letter given to A.Subramani Siva on 02-4-2016 by A.G. Padmavathy's Hospital Limited., Ex.P14 is the copy of case sheet of the petitioner (33 pages). These documents would go to show that the petitioner had taken apprentice training at the respondent establishment from 23-5-2007 and he has been given hall ticket for test which was held on October, 2008 and subsequently for test which was held on October, 2009 and thereafter on 30-10-2009 he was admitted at A.G. Padmavathy Hospital and discharge on 04-11-2009 and he was referred by Dr. Majumdar and his right hand index finger and middle finger were amputated and the said injuries was sustained by him in an accident and that the petitioner was given Service Certificate as an apprentice for the period of one year and he has written a letter to the union to raise the industrial dispute. From the documents, it is established by the petitioner that he had been in service at the respondent establishment as an apprentice from 23-05-2007 to 22-05-2008 and he sustained injuries on 30-10-2009 and has taken treatment at A.G. Padmavathy Hospital from 30-10-2009 to 04-11-2009 and he has raised the industrial dispute before the Conciliation Officer.

10. On the other hand, in order to prove the case of the respondent, RW.1 was examined who has stated in his evidence that the petitioner had joined at the respondent establishment as Government Apprentice on 23-05-2007 as per the recommendation of the Apprentice Advisor, Government of Puducherry and he has completed his apprenticeship for the period of one year from 23-05-2007 to 22-05-2008 and as per the norms the certificate of apprenticeship was issued to him and after few months of the completion of apprenticeship the petitioner asked for job orally for which reply was given orally that information will be given when require and as vacancy does not arise they could not able to give him right job and while so, the petitioner raised an industrial dispute before the Labour Conciliation Officer, Puducherry for which they have replied before the Conciliation Officer that the petitioner was an apprentice trainee and hence, he cannot raise industrial dispute and no accident was taken place inside the factory and that they have demanded the petitioner to show any proof of

employment and the petitioner did not give any reply and therefore, the Conciliation Officer has sent a failure report to the Government and further deposed that apprentice period of the petitioner was completed on 22-05-2008 and the alleged accident took place on 30-10-2009 and the petitioner did not file any documentary evidence to show that he worked in their factory and neither an appointment order nor any other records which is normally issued by the management to the employee and nothing mentioned in the discharge summary issued by the Hospital authority that the accident took place in the respondent factory and that there is no evidence to show the history of accident in the discharge summary and further as per the provision of law the apprentice is not a worker as per section 18 of Apprentice Act and he cannot claim industrial dispute and that therefore, the allegation that the petitioner was working at the respondent establishment as trolley wheel mechanic from 23-05-2008 till the accident which alleged to have been happened in the factory in the course of employment is totally false.

11. In support of their contention the respondent has exhibited Ex.R1 to Ex.R5. Ex.R1 is the authorisation letter given to Murali on 04-04-2017 by the respondent management. Ex.R2 is the copy of salary voucher for the period from April-2008 to July-2008. Ex.R3 is the copy of tracking sheet for injuries and illness for the period from 2-01-2009 to 30-12-2009. Ex.R4 is the copy of register for adult workers for the period from 24-03-2008 to 23-07-2009. Ex.R5 is the copy of salary register for the period from June-2008 to August-2008. These documents would go to show that the name of petitioner does not find in the salary voucher, tracking sheet for injuries and illness, register of adult workers and salary register.

12. From the pleadings of the parties, the evidence let in by either sides and exhibits marked on both sides it is clear that following facts are admitted by either sides that the petitioner joined at the respondent establishment on 23-05-2007 as Government Apprentice and he has completed his apprentice training on 22-05-2008 and subsequently no appointment order was given to the petitioner by the respondent establishment and no Salary Certificate or Identity Card was given by the respondent establishment to the petitioner and no EPF and ESI contribution was paid by the respondent management to the petitioner.

13. It is the case of the petitioner that after the completion of the apprentice training he had been in service at the respondent establishment from 23-05-2008 as trolley wheel mechanic and he met with

an accident on 30-10-2009 while working at the respondent establishment. On the other hand, it is totally denied by the respondent management that after the completion of the apprentice training the petitioner had not been appointed at the respondent establishment and except the apprentice training the petitioner had no any other relationship with the respondent.

14. Though the petitioner has stated that after the completion of training on 22-05-2008, he was appointed at the same capacity as trolley wheel mechanic at the respondent establishment on 23-05-2008, and working till 30-10-2009, no document is exhibited before this Court to prove the above fact. The petitioner has not exhibited appointment order, salary slip, EPF and ESI contribution made by the respondent as an employer. Even as per the case of the petitioner that the petitioner has not been given appointment order or any salary slip. On this aspect the oral evidence of the petitioner PW.1 runs as follows :

“ நான் 23-5-2007 முதல் 23-5-2008-ம் தேதி வரை எதிர்மனுதாரர் நிறுவனத்தில் Government Apprentice-ஆக வேலை பார்த்தேன். நான் Apprenticeship வேலையை சரியாக செய்தேன் என்று எனக்கு Service Certificate Ex.P7 வழங்கப்பட்டது. என்னுடன் மேலும் சிலர் பயிற்சிக்காக சேர்ந்தார்கள் என்றால் சரிதான். பயிற்சி காலத்திற்கு பிறகு சான்றிதழ் கொடுத்து அனுப்பிவிட்டார்கள் என்றால் சரிதான். நான் Apprentice-ஆக வேலை பார்த்த போது நான் அரசாங்க தேர்வு எழுதுவதற்காக எதிர்மனுதாரர் நிறுவனம் சான்றிட்டு seal வைத்து கொடுத்தது apprenticeship பயிற்சி முடிந்த பிறகு தேவைப்பட்டால் வேலைக்கு வைத்திருக்கும். இல்லையென்றால் சான்றிதழ் கொடுத்து அனுப்பி வைக்கும் என்றால் சரிதான். எதிர்மனுதாரர் நிறுவனத்தில் என்னுடைய Apprenticeship பயிற்சி காலம் முடிந்த பிறகு அங்கே நான் தொடர்ந்து வேலை செய்ய கடிதம் எதுவும் வழங்கவில்லை. apprenticeship காலம் முடிந்த பிறகு, நான் தொடர்ந்து எதிர்மனுதாரர் நிறுவனத்தில் வேலை செய்ததற்கு ஆவணம் தாக்கல் செய்துள்ளேன். 30-10-2009 வரை தொடர்ந்து நான் வேலை செய்தேன் என்பதற்கு ஆவணங்கள் உள்ளன. அத்தகைய ஆவணம் எதுவும் நீதிமன்றத்தில் தாக்கல் செய்யவில்லை என்றால் சரியல்ல..... ”

The above evidence would go to show that the petitioner has been given send-off by the management after issuing the certificate for apprentice training and he has also accepted the fact that the respondent management has not given any letter to him to continue the work after the completion of apprentice training and admittedly no document is filed by the petitioner that after the completion of the apprentice training he had been working at the respondent establishment. The petitioner has stated in the above evidence that

there was some documents for continuous employment of the petitioner at the respondent establishment till 30-10-2009. But, no such document has been exhibited before this Court to prove the same. Though the petitioner has established that he sustained injuries in his two fingers and the same was amputated and he has taken treatment for more than a year, it is not established by him that he sustained injuries in the course of employment at the respondent establishment. Though the petitioner has exhibited 14 documents, out of which no document is exhibited by him that he had been in service after the apprentice period while he was relieved from the factory the Service Certificate was issued by the management. No document is filed before this Court to prove that he had been in service at the respondent establishment.

15. Admittedly, the petitioner is only a apprentice for the period from 23-05-2007 to 22-05-2008. Even assuming that the petitioner had been joined at the respondent establishment, it is not established by him that he joined as a worker at the respondent establishment by exhibiting any document for the proof of his employment. However, it is not established by the petitioner that he had been become a permanent worker or his service has been regularised by the respondent management. If, the workman was in service for about 240 days in a year at the respondent establishment, he is entitled for order of reinstatement. But, in this case the petitioner has not established that he had been in service after the completion of apprentice training and that he had been in service for about 240 days in a year at the respondent establishment.

16. Furthermore, it is argued by the respondent Counsel that the apprentice trainees are not the workers and they are not entitled for reinstatement. On this aspect, the learned Counsel for the respondent has relied upon the Judgment reported in [2000] AIR (SC) 2524 wherein the Hon'ble Supreme Court has observed that,

“Industrial Disputes Act, 1947- Factories Act, 1947- Section 103 - Workman - Appointment as an apprentice - Stipend paid - After completion of apprenticeship continued working in anticipation of being provided employment - No appointment letter -No payment of salary apart from stipend- No evidence to indicate deduction of GPF or ESI- Respondent's claim he was workman since he continued working after apprenticeship and termination of service by oral instruction not valid- Not tenable on facts available on record - Even otherwise working in anticipation of securing

employment did not make respondent workman or regular employee - Presumption under section 103, Factories Act not applicable to adjudication under Industrial Disputes Act.”

Further the learned Counsel for the respondent also has relied upon the Judgment reported in (2013) AIR (SC) 403 wherein the Hon'ble Supreme Court has observed that,

“Apprentices Act, 1961 - Sections 18, 20 and 22 -Apprentices are trainees and not workers- Nature and charter of apprentice is that of a trainee only and on expiry of training, there is no corresponding obligation on part of employer to employ him-An apprentice does not have statutory right to claim appointment and employer is not under any statutory obligation to give him employment- However, if, terms of contract of apprenticeship lay down condition that on successful completion of apprenticeship employer would offer him employment, then it is obligatory on his part to do so - In absence of such condition, there is no obligation - It depends on terms of contract. We have referred to the aforesaid pronouncements solely for the purpose that an apprentice does not have a statutory right to claim an appointment and the employer is not under any statutory obligation to give him employment. However, if, the terms of the contract of apprenticeship lay down a condition that on successful completion of apprenticeship an employer would offer him an employment, then it is obligatory on his part to do so. In the absence of such a condition, there is no obligation. It depends on the terms of the contract. In the case at hand as the letter of appointment would show, the employer had only stated that on successful completion of the training, the apprentice may be appointed as Plant Attendant/ Technician Grade-II. Thus, it was not a mandatory term incorporated in the agreement casting an obligation on the employer to appoint him.....”

and the learned Counsel also has relied upon the Judgment reported in [2004] 2 MLJ 631 wherein the Hon'ble High Court of Madras has observed that,

“Industrial Disputes Act, 1947 - Section 2-A (ii) Maintainability of industrial dispute - Absorption in service - Apprentice cannot claim any right for appointment”.

and also has relied upon the Judgment reported in 2004 Supreme (Raj) 829 wherein the Hon'ble Supreme Court has observed that,

“Industrial Disputes Act, 1947 - Section 2(s) read with Section 25(F), Apprentices Act, 1961, Section 2(aa) and Life Insurance Corporation of India (Apprentice Development Officers) Recruitment Scheme, 1980-Definition of workman and Apprentice - Appointed as Apprentice Development Officer - Service terminated - Industrial Dispute raised - Appellant to prove he is a workman - Applicant must establish that he is not covered by the provisions of the Apprenticeship Act, but, he is employed in the establishment for the purpose of doing any work-In a case where the period of apprenticeship is extended, a further written contract carrying out such intention need not be executed - Held - In absence of any pleading or proof that either by novation of the contract or by reason of the conduct of the parties, such a change has been brought about, an apprentice cannot be held to be workmen”.

and also has relied upon the Judgment reported in 2017 Supreme (All) 356 wherein the Hon'ble Supreme Court has observed that,

“.....Section 4K - Apprentices Act, 1961 - Section 20 -Employer and Employee Relationship - Apprentice trainee - Right to job after completion of period of training - Respondent No. 3 was merely a trainee and no relationship of employer and employee-Respondent No. 3 after date of its engagement raised an industrial dispute-No obligation on part of employer under Apprentices Act to offer any job to such an apprentice after completion of period of training...”.

From the above observations of the Hon'ble Supreme Court and the Hon'ble High Court, it is clear that though the petitioner is an apprentice of the respondent establishment he is not the worker and therefore, he cannot claim as a worker on the foot of the apprentice. However, it is claimed by the petitioner that after the completion of apprentice training he was working as a worker. But, no document is filed before this Court to prove the same. As stated in the above observations of the Hon'ble High Court, the burden is on the petitioner and he must establish that he had been in service at the respondent establishment for the purpose of doing any work. Admittedly, even the apprentice period of the petitioner is not extended and he has not been given any appointment order even the petitioner has not filed any identification card issued by the respondent management. On the other hand, the documents produced by the respondent would go to show that the name of the petitioner does not find in the salary register, salary voucher and not at all find in the tracking sheet for injuries and illness and register of adult workers and that therefore, nothing is established by the petitioner that he had been in service after completion of the apprentice period on

22-05-2008 and that therefore, in the absence of any proof that either by novation of the contract or by reason of the conduct of the parties the petitioner cannot be held to be a workman.

17. Even assuming that the petitioner had been in service as he stated, nothing is established by him that his service was regularised, his appointment was confirmed as permanent one. Further, to prove his contention the petitioner has examined PW.2, the co-worker. But, no document is exhibited by him that he was working at the respondent establishment and furthermore, his evidence is not corroborated by any other documentary evidence and hence, oral evidence of PW.2 cannot be relied by this Court. Admittedly, the petitioner has sustained injuries and taken treatment at A.G. Padmavathy Hospital and it is not established by him that the accident was happened at the respondent establishment wherein he has alleged to have sustained injuries. Totally the petitioner has not filed any document to prove and establish that he had been in service at the respondent establishment after his apprentice training and that therefore, the petitioner is not entitled for any relief of reinstatement as claimed by him and hence, it is to be held that the industrial dispute raised by the petitioner against the respondent management over his non-employment is unjustified and the claim petition is liable to be dismissed. :

18. In the result, the petition is dismissed and the industrial dispute raised by the petitioner against the respondent management over his non-employment is unjustified. No cost.

Dictated to the Stenographer, transcribed by her, corrected and pronounced by me in the open Court on this the 23rd day of January, 2018.

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

List of petitioner's witnesses:

- PW.1 —04-12-2015— Palanivel
- PW.2 —01-3-2016 — K. Ashok Kumar
- PW.3 —05-4-2016 — A. Subramanisiva
- PW.4 —22-6-2017 — Dr. Shyam Sunder Majumdar

List of petitioner's exhibits:

- Ex.P1 —05-07-2012 — Conciliation failure report.
- Ex.P2 — October — Apprenticeship training
2008 scheme (Hall Ticket).
- Ex.P3 — October — Apprenticeship training
2008 scheme (Hall Ticket).

- Ex.P4—20-10-2012 — Copy of demand for reinstatement letter.
- Ex.P5 —14-11-2012 — Acknowledgement card.
- Ex.P6 —06-07-2010 — Copy of letter to union.
- Ex.P7 —22-05-2008 — Copy of service certificate issued by the respondent.
- Ex.P8 —17-05-2007 — Copy of Apprenticeship training interview issued by the respondent.
- Ex.P9 —24-12-2012 — Copy of letter to Labour Conciliation Officer (Form K).
- Ex.P10—30-10-2009— Copy of discharge summary alongwith prescription and bills.
- Ex.P11— — — Confession statement of Mr. G. Keerthi.
- Ex.P12—20-06-2007— Copy of apprenticeship contract form.
- Ex.P13—02-04-2016— Authorization letter given to A. Subramani Siva by A.G. Padmavathi's Hospital Limited.
- Ex.P14— — — Copy of case sheet of the petitioner (33 pages).

List of respondent's witness:

RW.1 —05-07-2017— Murali

List of respondent's exhibits:

- Ex.R1—04-04-2017— Authorization letter given to Murali by the respondent management.
- Ex.R2 — April-2008 — Copy of salary voucher.
to
July-2008
- Ex.R3 — 02-01-2009— Copy of tracking sheet for
to injuries and illness.
30-12-2009
- Ex.R4 — 24-03-2008— Copy of register for adult
to workers.
23-07-2009
- Ex.R5 — June-2008 — Copy of salary register.
to
August-2008

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

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 69/AIL/Lab./T/2018,
Puducherry, dated 4th May 2018)

NOTIFICATION

Whereas, the Government is of the opinion that an industrial dispute has arisen between Puducherry Distilleries Limited, Puducherry and Puducherry Distilleries Limited Workers Union, over promotion of Thiru A. Nagasoundaram as Junior Operator with effect from 23-11-2009 and to grant him subsequent promotion to the post of Senior Operator with all monetary and service benefits in respect of the matter mentioned in the Annexure to this order;

And whereas, in the opinion of the Government, it is necessary to refer the said dispute for adjudication;

Now, therefore, by virtue of the authority delegated *vide* G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991 of the Labour Department, Puducherry, to exercise the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), it is hereby directed by the Secretary to Government (Labour) that the said dispute be referred to the Labour Court, Puducherry for adjudication. The Labour Court, Puducherry, shall submit the award within 3 months from the date of issue of reference as stipulated under sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947 and in accordance with rule 10-B of the Industrial Disputes (Central) Rules, 1957. The party raising the dispute shall file a statement of claim complete with relevant documents, list of reliance and witnesses to the Labour Court, Puducherry within 15 days of the receipt of the order of reference and also forward a copy of such statement to each one of the opposite parties involved in the dispute.

ANNEXURE

(a) Whether the dispute raised by the union workmen Puducherry Distilleries Limited Workers union against the management of M/s. Puducherry Distilleries Limited, Puducherry, over promotion of Thiru A. Nagasoundaram as Junior Operator with effect from 23-11-2009 and to grant him subsequent promotion to the post of Senior Operator with all monetary and service benefits is justified or not?