



புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

அதிகாரம் பெற்ற வெளியீடு

Publiée par Autorité

Published by Authority

விலை : ₹ 14-00

Prix : ₹ 14-00

Price : ₹ 14-00

எண்	புதுச்சேரி	செவ்வாய்க்கிழமை	2018 ஞ	நவம்பர் மீ	13 உ
No. } 46	Poudouchéry	Mardi	13	Novembre	2018 (22 Kartika 1940)
No. }	Puducherry	Tuesday	13th	November	2018

பொருளடக்கம்

SOMMAIRES

CONTENTS

பக்கம்

Page

Page

தொழில் நீதிமன்றத் தீர்ப்புகள் .. 1458	Sentence arbitral du Travail .. 1458	Award of the Labour Court .. 1458
அரசு அறிவிக்கைகள் .. 1464	Notifications du Gouvernement .. 1464	Government Notifications .. 1464
ஒப்ப அறிவிப்புகள் .. 1469	Avis d'Adjudications .. 1469	Tender Notices .. 1469
சாற்றறிக்கைகள் .. 1469	Annonces .. 1469	Announcements .. 1469
திருத்தம் .. 1476	Corrigendum .. 1476	Corrigendum .. 1476

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G.O. Rt. No. 115/AIL/Lab./T/2018,
Puducherry, dated 26th July 2018)

NOTIFICATION

Whereas, an Award in I.D. (T) 54/2017, dated 19-06-2018 of the Industrial Tribunal-cum-Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Godrej Consumer Products Limited, Puducherry and Thiru S. Senthil Kumar, Neyveli over non-employment with back wages 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. SENDIL KUMAR, B.A., B.L.,
Presiding Officer,

Tuesday, the 19th day of June, 2018.

I.D. (L) No. 54/2007

Thiru S. Senthil Kumar,
109 E.No. 8G, Type-1 Quarters,
Block-5, Neyveli TS,
Cuddalore District-607 803. . . Petitioner

Versus

The Managing Director,
M/s. Godrej Consumer Products Limited,
R.S. No. 131, 131/1-4, Kattukuppam,
Manapet Post, Cuddalore Road,
Puducherry-607 402. . . Respondent.

This Industrial Dispute coming on this day before me for final hearing in the presence of Thiru S. Parthasarathi, Advocate for the petitioner, Tvl. L. Swaminathan and I. Ilankumar, Advocates for the respondent on record and subsequently, the respondent called absent and for non-filing of counter, the respondent was set-ex parte, upon hearing the petitioner and perusing the case records, this Court passed the following:

AWARD

1. This Industrial Dispute arises out of the reference made by the Government of Pondicherry vide G.O. Rt. No. 167/AIL/Lab./T/2017, dated 24-10-2017 of the Labour Department, Puducherry to resolve the following dispute between the petitioner and the respondent, viz.,

(i) Whether the dispute raised by the petitioner Thiru S. Senthil Kumar against the management of M/s. Godrej Consumer Products Limited, Puducherry, over non-employment and back wages is justified or not? If justified, what is the relief 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 had been in service at the respondent establishment for more than 18 years from 1997. The petitioner, during his service, did not give room for any wrongs and worked by accepting and implementing all legal orders of the respondent management. In the respondent establishment, 83 permanent workers in the name of Line Supervisor, 15 permanent workers in the name of Grade M7, 10 permanent workers in the name of Grade M6, 410 workers in the name of Grade M and 2000 contract labourers were working. The Grade M workers, 410 in numbers only were joined and acted in the trade union. There is no remark at all against the petitioner so far by the respondent management during his period of service. The petitioner was given promotion by the respondent management in the year 2007, after 10 years of service as Grade S and wage increment was also given for the said year. Thereafter, the wage increment was denied to the petitioner for the year 2008-2009 and 2009-2010. The petitioner demanded the respondent management to pay the wage increment time and again. But, the same was not considered by the respondent management.

3. It is further stated that in the year 2010, the respondent management had transferred the petitioner to Maraimalai Nagar, Chennai Branch. Wherein, also, the Petitioner was serving excellently. Based on that, the Petitioner was given wage increment for the said year. While being so, in view is family situation, the petitioner requested for transfer to Puducherry. Since, the respondent management has not given properly. on 30-09-2011, the petitioner has sent a letter of requisition transfer to the Assistant Vice-President, Head Office at Mumbai through,

e-mail. Based on that, the petitioner was transferred to Karaikal by the respondent management. Since, the petitioner got transfer order by straightforwardly contacting the Head Office at Mumbai, the respondent management denied the wage increment to the petitioner by vengeance. Meanwhile, in the year 2015, the workers of the respondent establishment were given wage increment as a result of Wage Increment Settlement. But, the wage increment was not given to the petitioner. When it was questioned by the petitioner, the respondent management stated that the petitioner is not a member of the Trade Union and based on the Wage Increment Settlement entered between the Management and the Trade Union, the wage increment was implemented and wage increment will be implemented later to the petitioner and similar workers. But, thereafter also, the wage increment was not given to the petitioner. The respondent management has given show-cause notices to the petitioner on 14-06-2016 and also on 29-01-2016 stating that his performance was not satisfactory. In the above said notices, it was commonly mentioned that the performance of the petitioner in the year 2014-2015 was not satisfactory and the said notices did not mention about the details that on what basis the performance of the petitioner was not satisfactory. The petitioner has given a detailed explanation through his letter, dated 05-02-2016 to the abovesaid notices. While so, the petitioner was terminated by the respondent management on 08-03-2016 without any notice and without assigning any reason. The act of termination by the respondent management is against the Sec.25H of the Industrial Disputes Act.

It is further stated that on 10-03-2016, the petitioner has raised an industrial dispute over his termination before the Labour Officer, Puducherry. Wherein, on 31-05-2016, the respondent management has filed reply statement by stating that, the petitioner is not a workman, he was working as Officer in the respondent establishment and therefore, he has no right to raise the industrial dispute and he was dismissed as his performance, during the year 2012-2015, was not satisfactory. The petitioner has never been in service as Officer at the respondent establishment and the respondent management has never given the powers of Officer to the petitioner. The petitioner was served as a worker. The respondent management has never issued any show-cause notice before 14-01-2016 to the petitioner. After the requisition submitted by the petitioner regarding wage increment, the respondent management has given show-cause notices. While pending of the industrial dispute, on 20-04-2016, the respondent management has sent a letter along with

a cheque for ₹ 80,323 for full and final settlement to the petitioner. The petitioner has returned the cheque through a letter, dated 27-04-2016. As the management did not accord for any amicable settlement, on 22-10-2017 the Conciliation Officer has sent a Conciliation Failure Report. The petitioner has lastly drawn ₹ 16,151 as his salary. The petitioner and his family suffered a lot after his termination. The petitioner has not committed any misconduct and the respondent management has not taken any disciplinary proceedings against the petitioner. As the petitioner has claimed his legal benefits of wage increment, the respondent management to victimize the petitioner terminated his service from 08-03-2017. It is against the principles of natural justice. Therefore, the petitioner prayed this Court to pass an Order to set aside the Order of termination passed by the respondent management against the petitioner and to Order the respondent management to reinstate the petitioner with continuity of service with full back wages and other attendant benefits.

3. Though the Counsels for the respondent filed Vakalat, despite several opportunities, no counter was filed on behalf of the respondent and hence, the respondent was set *ex parte*. In the course of enquiry, on the side of the petitioner PW.1 was examined and Ex.P1 to Ex.P8 were marked. Heard.

4. *The point for determination is:*

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

5. *On the point:*

The claim statement filed by the petitioner, the evidence let in and exhibits marked by him have been carefully perused. In order to prove his case, the petitioner has been examined himself as PW.1. The petitioner/PW.1 has deposed to the effect that he had been in service at the respondent establishment for more than 18 years from 1997. He, during his service, did not give room for any wrongs and worked by accepting and implementing all legal orders of the respondent management. In the respondent establishment, 83 permanent workers in the name of Line Supervisor, 15 permanent workers in the name of Grade M7, 10 permanent workers in the name of Grade M6, 410 workers in the name of Grade M and 2000 contract labourers were working. The Grade M workers, 410 in numbers only were joined and acted in the trade union. There is no remark at all against him so far by the respondent

management during his period of service. He was given promotion by the respondent management in the year 2007 after 10 years of service as Grade S and wage increment was also given for the said year. Thereafter, the wage increment was denied to the petitioner for the year 2008-2009 and 2009-2010. He demanded the respondent management to pay the wage increment time and again. But, the same was not considered by the respondent management.

It is deposed that in the year 2010, the respondent management had transferred him to Maraimalai Nagar, Chennai Branch. Wherein, also, he was serving excellently. Based on that, he was given wage increment for the said year. While being so, in view of his family situation, the petitioner requested for transfer to Puducherry. Since, the respondent management has not given proper reply, on 30-09-2011, he has sent a letter of requisition for transfer to the Assistant Vice-President, Head Office at Mumbai through e-mail. Based on that, he was transferred to Karaikal by the respondent management. Since, he got transfer Order by straightforwardly contacting the Head Office at Mumbai, the respondent management denied the wage increment to the petitioner by vengeance. Meanwhile, in the year 2015, the workers of the respondent establishment were given wage increment as a result of Wage Increment Settlement. But, the wage increment was not given to the petitioner. When it was questioned by the petitioner, the respondent management stated that the petitioner is not a member of the Trade Union and based on the Wage Increment Settlement entered between the management and the Trade Union, the wage increment was implemented and wage increment will be implemented later to the petitioner and similar workers. But, thereafter also, the wage increment was not given to the petitioner. The respondent management has given show-cause notices to the petitioner on 14-06-2016 and also on 29-01-2016 stating that his performance was not satisfactory. In the abovesaid notices, it was commonly mentioned that the performance of the petitioner in the year 2014-2015 was not satisfactory and the said notices did not mention about the details that on what basis the performance of the petitioner was not satisfactory. The petitioner has given a detailed explanation through his letter, dated 05-02-2016 to the abovesaid notices. While so, the petitioner was terminated by the respondent management on 08-03-2016 without any notice and without assigning any reason. The act of termination by the respondent management is against the Sec.25H of the Industrial Disputes Act.

It is further deposed that on 10-03-2016, the petitioner has raised an industrial dispute over his termination before the Labour Officer, Puducherry. Wherein, on 31-05-2016, the respondent management has filed reply statement by stating that, the petitioner is not a workman, he was working as Officer in the respondent establishment and therefore, he has no right to raise the industrial dispute and he was dismissed as his performance, during the year 2012-2015, was not satisfactory. The petitioner has never been in service as Officer at the respondent establishment and the respondent management has never given the powers of Officer to the petitioner. The petitioner was served as a worker. The respondent management has never issued any show-cause notice before 14-01-2016 to the petitioner. After the requisition submitted by the petitioner regarding wage increment, the respondent management has given show-cause notices. While pending of the industrial dispute, on 20-04-2016, the respondent management has sent a letter along with a cheque for ₹ 80,323 for full and final settlement to the petitioner. The petitioner has returned the cheque through a letter, dated 27-04-2016. As the management did not accord for any amicable settlement, on 22-10-2017 the Conciliation Officer has sent a Conciliation Failure Report. The petitioner has lastly drawn ₹ 16,151 as his salary. The petitioner and his family suffered a lot after his termination. The petitioner has not committed any misconduct and the respondent management has not taken any disciplinary proceedings against the petitioner. As the petitioner has claimed his legal benefits of wage increment, the respondent management to victimize the petitioner terminated his service from 08-03-2017. It is against the principles of natural justice. Therefore, the petitioner prayed this Court to pass an Order to set aside the Order of termination passed by the respondent management against the petitioner and to Order the respondent management to reinstate the petitioner with continuity of service with full back wages and other attendant benefits.

6. To buttress his evidence, the petitioner PW.1 has exhibited Ex.P1 to Ex.P8. The Ex.P1 is the copy of the letter sent by the petitioner to the respondent management on 21-12-2012. The Ex.P2 is the copy of show-cause notice issued by the respondent management to the petitioner on 29-01-2016. The Ex.P3 is the copy of the letter sent by the petitioner to the respondent management on 05-02-2016. The Ex.P4 is the copy of termination order issued by the respondent management to the petitioner on 08-03-2016. The Ex.P5 is the copy

of industrial dispute raised by the petitioner before the Labour Officer (Conciliation) on 10-03-2016. The Ex.P6 is the copy of proceedings of the respondent management, dated 20-04-2016. The Ex.P7 is the copy of the letter sent by the petitioner to the respondent management on 27-04-2016. And Ex.P8 is the copy of reply statement filed by the respondent management on 31-05-2016 before the Labour Officer (Conciliation).

7. From the above evidence and documents, it is clearly established by the petitioner that he was working at the respondent establishment as a worker and he has been terminated from service without following any procedure laid down under the Industrial Disputes Act by the respondent management, for which he has raised the industrial dispute before the Conciliation Officer and the conciliation proceedings were failed and that therefore, this reference has been made to this Court to decide whether the dispute raised by the petitioner, over non-employment with back wages is justified or not.

8. Even though, the Counsels for the respondent has filed Vakalat, despite several opportunities given, no Counter was filed on behalf of the respondent and hence, the respondent was set *ex parte* on 21-05-2018. The crux of the defence of the respondent management is that the petitioner is not a workman and he was working as Officer in the respondent establishment. As such, he has no right to raise the industrial dispute. He was dismissed as his performance, during the year 2012-2015, was not satisfactory. If, the case of the respondent management as stated above is true, definitely, they would have appeared, filed their counter and defended their case. Hence, by the non-appearance of the respondent, non-filing of counter and non-prosecution, adverse inference could also be drawn against the respondent. On a careful perusal of the evidence of the PW.1 and Ex.P1 to Ex.P8, it could be held that the petitioner has proved his case and as such, it is to be held that the industrial dispute raised by the petitioner against the respondent management over non-employment and back wages is justified and the petitioner is entitled for the Order as claimed by him and as such, the petition is liable to be allowed.

9. As this Court has decided that the industrial dispute raised by the petitioner against the respondent management, over non-employment and back wages is justified, it is to be decided whether the petitioner is entitled for back wages as claimed by him. Absolutely, there is no evidence let in by the petitioner to prove that he has not worked or is not working in any other industry. It could be inferred that no one can feed

himself without any earning. The petitioner should have served at any other industry after his termination. Therefore, considering the above facts and circumstances, this Court decides that the petitioner is entitled only for 50% back wages with continuity of service and other attendant benefits.

10. In the result, the petition is allowed and the industrial dispute raised by the petitioner against the respondent management, over non-employment and back wages 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 directing the respondent management to pay 50% back wages to the petitioner 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 19th day of June, 2018.

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

List of petitioner's witness:

PW.1 — 18-06-2018 — S. Senthil Kumar

List of petitioner's exhibits:

Ex.P1— 21-12-2012 — Copy of the letter sent by the petitioner to the respondent management.

Ex.P2— 29-01-2016 — Copy of show-cause notice issued by the respondent management to the petitioner.

Ex.P3— 05-02-2016 — Copy of the letter sent by the petitioner to the respondent management.

Ex.P4— 08-03-2016 — Copy of termination order issued by the respondent management to the petitioner.

Ex.P5— 10-03-2016 — Copy of industrial dispute raised by the petitioner before the Labour Officer (Conciliation).

Ex.P6— 20-04-2016 — Copy of proceedings of the respondent management.

Ex.P7— 27-04-2016 — Copy of the letter sent by the petitioner to the respondent management.

Ex.P8— 31-05-2016 — Copy of reply statement filed by the respondent management before the Labour Officer (Conciliation).

List of respondent's witnesses: Nil.

List of respondent's exhibits: Nil.

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

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G.O. Rt. No. 116/AIL/Lab.T/2018,
Puducherry, dated 26th July 2018)

NOTIFICATION

Whereas, an Award in I.D. (T) No. 09/2017, dated 13-06-2018 of the Industrial Tribunal-cum-Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Suolificio Linea Italia (India) Private Limited, Puducherry and Chemcrown Exports and Suolificio Linea Italia (India) Private Limited Thozilalargal Sangam, Puducherry, over non-payment of 20% bonus and ₹ 10,000 as *ex gratia* for the year 2014-2015 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. SENDIL KUMAR, B.A., B.L.,
Presiding Officer,

Wednesday, the 13th day of June, 2018.

I.D. (T) No. 09/2007

The President,
Chemcrown Exports and
Suolificio (India) Private
Linea Italia Limited
Thozilalargal Sangam,
42, Cuddalore Road,
Bharathi Mill Thittu,
Mudaliarpur, Puducherry-605 004. . . Petitioner

Versus

The Managing Director,
M/s. Suolificio Linea Italia (India)
Private Limited, 19/1 and 4/4,
Mylam Pandy Road, Sedarapet,
Puducherry-605 011. . . Respondent.

This Industrial Dispute coming on 11-06-2018 before me for final hearing in the presence of Thiru R.T. Shankar, Advocate for the petitioner, Tvl. K. Babu and S. Karthikeyan, Advocates for the respondent on record and subsequently, the respondent called absent and for non-filing of counter, the respondent was set *ex parte*. upon hearing the Petitioner and perusing the case records, this Court passed the following:

AWARD

1. This Industrial Dispute arises out of the reference made by the Government of Pondicherry *vide* G.O. Rt. No. 59/AIL/Lab./T/2017, dated 20-04-2017 of the Labour Department, Puducherry to resolve the following dispute between the petitioner and the respondent *viz.*,

(i) Whether the dispute raised by the union workmen Chemcrown Exports and Suolificio Linea Italia Private Limited Thozilalargal Union, Puducherry, against the management of M/s. Suolificio Linea Italia (India) Private Limited, Puducherry, over non-payment of 20% bonus and ₹ 10,000 as *ex gratia* for the year 2014-2015 is justified or not? If justified, what relief they are 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 union is a registered Trade Union under the provision of the "Trade Unions Act, 1926; *vide* Registration No. 1338/RTU/2003, which raised an Industrial Dispute for demanding of 20% Bonus and ₹ 10,000 as *ex gratia* as per "The Payment of Bonus Act", for the year 2014-2015. The respondent company is a Company incorporated under the provision of the "Indian Companies Act, 1913" and it is having a factory functioning at Sedarapet for the past 11 years, in which more than 250 employees are

working. The petitioner union demanded 20% bonus with ₹ 10,000 as *ex gratia* for the 2014-2015 for which the respondent management refused to pay the *ex gratia* and paid 20% bonus only for a sum of ₹ 8,400 arbitrarily and unilaterally. Therefore, the petitioner union filed their representation before the Labour Officer (Conciliation), Puducherry, stating that they are working in the respondent establishment and they have requested the management to disburse bonus within the month of October at the rate of 20% bonus and *ex gratia* at ₹ 10,000 as per the Bonus Act. During the course of conciliation proceedings, the union demanded 20% bonus with *ex gratia* of ₹ 10,000 under the Bonus Act. But, the respondent management has not agreed and paid 20% bonus only for a sum of ₹ 8,400. Therefore, the petitioner union not agreed the same. The dispute is not settled before the Labour Officer (Conciliation) and ended in failure. The respondent Company is governed by the Payment of Bonus Act and it maintains a single balance sheet and a single P and L A/c for the company as a whole and bonus is declared on the basis of the company's balance sheet and the P and L A/c and in accordance with the Payment of Bonus Act. The respondent management denied the legitimate *ex gratia* payment of ₹ 10,000 to the workmen of the petitioner union, while the same is paid to the Staff/Managers of the same company. The respondent company is a highly profitable company and it is one of the biggest companies operating in India and making huge profits of crores and crores of rupees and thereby, they are having massive surplus fund and these profits are made from the sweat and blood of the labours. The other companies which is located in the same region with much lesser profits pay huge amounts of 20% as bonus and *ex gratia* to its employees. The respondent management willfully, wantonly and deliberately denied and refused to grant *ex gratia* of ₹ 10,000 to their employees. The workmen were not being given a fair share of the profits of the company. It is illegal and against the Payment of Bonus Act. The respondent company is a big industrial establishment and there is no other similar establishment of that size in that region. The volume of business of the respondent company is many more times more than the competitive companies and the respondent company is financially sound. While being so, the respondent Company adamantly has not paid the *ex gratia* for a sum of ₹ 10,000 without any valid reason, which was paid previous year. Therefore, the petitioners pray to direct the respondent company to pay ₹ 10,000 as *ex gratia* to their employees for the year 2014-2015 and the same may be continued in future.

3. Though the Counsels for the respondent filed vakalat, despite several opportunities, no counter was filed on behalf of the respondent and hence, the respondent was set *ex parte*. In the course of enquiry, on the side of the petitioner PW.1 was examined and Ex.P1 to Ex.P3 were marked. Heard.

4. *The point for determination is:*

Though, the reference was made to decide whether the industrial dispute raised by the petitioner union against the respondent management, over non-payment of 20% bonus and ₹ 10,000 as *ex gratia* for the year 2014-2015 is justified or not, and if justified, what is the relief entitled to the petitioners, the petitioner union has filed their claim petition for the relief of seeking direction to the respondent management to Pay ₹ 10,000 as *ex gratia* to their employees for the year 2014-2015. Therefore, the point for consideration is that whether the industrial dispute raised by the petitioner union against the respondent management, over non-payment of ₹ 10,000 as *ex gratia* for the year 2014-2015 is justified or not, and if justified, what is the relief entitled to the petitioners?

5. *On the point:*

The Claim Statement filed by the petitioner union, the evidence let in and exhibits marked by it have been carefully perused. In order to prove their case, the petitioner union has examined PW.1. The PW.1 has deposed to the effect that the petitioner union is a registered trade union and the trade union demanded 20% bonus with ₹ 10,000 as *ex gratia* for the year 2014-2015 and the same was refused by the management and the management paid 20% bonus only for a sum of ₹ 8,400 and therefore, the petitioner union has raised an industrial dispute before the Conciliation Officer and the conciliation was ended in failure and hence, the matter has been referred by the Government to this Court for adjudication.

6. To buttress, the evidence of PW.1, the Petitioner Union has exhibited Ex.P1 to Ex.P3. The Ex.P1 is the copy of letter submitted by the Trade Union on 13-10-2015 before the Labour Officer. The Ex.P2 is the copy of letter submitted by the trade union on 13-10-2015 before the respondent management. And, Ex.P3 is the copy of conciliation failure report, dated 21-1-2016.

7. From the above evidence and documents, it is clearly established by the petitioner Union that the petitioner union demanded the management to pay 20% bonus with ₹ 10,000 as *ex gratia* for the year 2014-2015. But, the management has paid 20% bonus only for a sum of ₹ 8,400 and has not paid the *ex gratia* amount of ₹ 10,000 without any valid reason which was paid for the past several years and therefore, the petitioner Union has raised the industrial dispute before the Conciliation Officer and the conciliation

proceedings were failed and therefore, this reference has been made to this Court to decide whether the industrial dispute raised by the petitioner Union against the respondent management is justified or not.

8. Even though, the Counsels for the respondent has filed vakalt, despite several opportunities, no counter was filed on behalf of the respondent and hence, the respondent was set *ex parte* on 07-03-2018. By the non-appearance of the respondent and non-filing of counter, adverse inference could also be drawn against the respondent. On a careful perusal of the evidence of the PW.1 and Ex.P1 to Ex.P3 it could be held that the petitioner union has proved their case and as such, it is to be held that the industrial dispute raised by the petitioner union against the respondent management over non-payment of ₹ 10,000 as *ex gratia* for the year 2014-2015 is justified and the petitioners are entitled for the Order as claimed by them and as such, the petition is liable to be allowed.

9. In the result, the petition is allowed and the industrial dispute raised by the petitioner union against the respondent management, over non-payment of ₹ 10,000 as *ex gratia* for the year 2014-2015 is justified and Award is passed directing the respondent management to Pay ₹ 10,000 as *ex gratia* to their employees for the year 2014-2015. No cost.

Dictated to Stenographer, transcribed by her, corrected and pronounced by me in the open Court on this the 13th day of June, 2018.

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

List of petitioner's witness:

PW.1 — 11-06-2018 — Pachamuthu

List of petitioner's exhibits:

Ex.P1 — 13-10-2015 — Copy of letter submitted by the trade union before the Labour Officer.

Ex.P2 — 13-10-2015 — Copy of letter submitted by the trade union before the respondent management.

Ex.P3 — 21-12-2016 — Photocopy of conciliation failure report.

List of respondent's witnesses: Nil.

List of respondent's exhibits: Nil.

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

GOVERNMENT OF PUDUCHERRY

CHIEF SECRETARIAT (ANIMAL HUSBANDRY)

(G.O. Ms. No. 08/AH.,
Puducherry, dated 24th October 2018)

NOTIFICATION

Government of India has launched a Scheme "Dairy Processing and Infrastructure Development Fund (DIDF)", a Central Sector Scheme sponsored by the Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture and Farmers Welfare, Government of India.

2. In order to implement the Scheme, approval of the Lieutenant-Governor is accorded to constitute the State Project Screening and Review Committee (SPSRC) in the Union territory of Puducherry consisting with the following Members namely:-

- (i) The Secretary (Animal Husbandry), . . . Chairperson
Puducherry.
- (ii) The Registrar of Co-operative . . . Member
Societies, Government of
Puducherry.
- (iii) Director (Agriculture), Government . . . Member
of Puducherry.
- (iv) The Director, Animal Husbandry . . . Member
and Animal Welfare, Government
of Puducherry.
- (v) The Managing Director, PONLAIT, . . . Member
Puducherry.
- (vi) Dean, Rajiv Gandhi Institute . . . Member
of Veterinary Education and
Research (RIVER), Puducherry.
- (vii) A Representative from Finance . . . Member
Department (not below the rank
of Under Secretary), Government
of Puducherry.
- (viii) The Assistant General Manager, . . . Member
NABARD, Puducherry.
- (ix) A Representative from DADF, . . . Member
to be nominated by Government
of India.
- (x) A Representative from NDDB/ . . . Member-
NCDC, to be nominated by . . . Convener.
Government of India.