



புதுச்சேரி மாநில அரசிதழ்

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

அதிகாரம் பெற்ற வெளியீடு

Publiée par Autorité

Published by Authority

விலை : ₹ 22-00

Prix : ₹ 22-00

Price : ₹ 22-00

எண்	புதுச்சேரி	செவ்வாய்க்கிழமை	2019 ஓ	ஆகஸ்ட் மீ	13 உ
No.	33 Poudouchéry	Mardi	13	Août	2019 (22 Sravana 1941)
No.	Puducherry	Tuesday	13th	August	2019

பொருளடக்கம்

SOMMAIRES

CONTENTS

பக்கம்	Page	Page
தொழில் நீதிமன்றத் தீர்ப்புகள் .. 616	Sentence arbitral du Travail .. 616	Award of the Labour Court .. 616
அரசு அறிவிக்கைகள் .. 628	Notifications du Gouvernement .. 628	Government Notifications .. 628
ஒப்ப அறிவிப்புகள் .. 635	Avis d' appel d' offres .. 635	Tender Notices .. 635
ஆபத்தான நிறுவனங்கள் .. 639	Etablissements dangereux .. 639	Dangerous establishments .. 639
சாற்றறிக்கைகள் .. 641	Annonces .. 641	Announcements .. 641

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 94/Lab./AIL/T/2019,
Puducherry, dated 08th July 2019)

NOTIFICATION

Whereas, an Award in I.D. (L) No. 19/2016, dated 10-04-2019 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the Industrial Dispute between the management of M/s. Shree Mother Plast India Private Limited, Puducherry and Thiru E.K. Shankar, over non-employment has been received;

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

(By order)

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

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

Present: Thiru C. KUMAR SARAVANAN, M.A., M.L.,
Presiding Officer (FAC).

Wednesday, the 10th day of April 2019.

I.D. (T) No. 19/2016

Thiru E.K Sankar,
No. 89, Vetri Vinayagar Street,
Kalitheerthalkuppam Village,
Madagadipattu Post,
Puducherry.

. . Petitioner

Versus

The Managing Director,
M/s. Shree Mother Plast India
Private Limited,
Thirubhuvanai,
Puducherry.

. . Respondent

This industrial dispute coming on 27-03-2019 before me for final hearing in the presence of Thiru A. Sakthivel, Advocate for the petitioner and Thiru R. Illancheliyan, 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. 94/AIL/Lab./J/2016, dated 22-09-2016 for adjudicating the following:-

(a) Whether, the dispute raised by the petitioner Thiru E.K. Shankar against the management of M/s. Shree Mother Plast India Private Limited, Puducherry, over non-employment is justified? If justified, what relief he is entitled to?

(b) 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 was appointed in the year 1999 in the respondent establishment. Even since he has been continuously working for the past 15 years and above, as such he is a workman and he is Union Leader of the M/s. Shree Mother Plast India Private Limited in Union Registration No. 1690/RTU/2012, Puducherry. The respondent's management is running in No. Plot Nos. A43 to A48, Electronic Block, PIPDIC, Thirubhuvanai, Puducherry. There are several employees were working in the respondent's company. That on 23-01-2012, the petitioner was issued a Charge sheet and an independent enquiry was conducted by the Enquiry Officer by alleging that the petitioner and co-worker one P.R. Palaniappan were assaulted Mr. Kamaraj and they were ripped off by them using filthy languages and the respondent's company issued show cause notice for his delinquency. The respondent's company has attempted and issued the Memo to all the 1'st shift workers and to all 2'nd shift workers and the petitioner has returned it back the same and the petitioner is not there at the time of given memo and what the action taken by the respondent management against all the operators for returning the memo issued to them. It is alleged that four or five workers are attempted the General Manager Mr. Kamaraj on 23-01-2012. That on 13-01-2012 at 1.45 p.m., the 1'st shift Manager has issued memo to all the operators of the respondent's company for not produce the Production Hourly Report and they did not furnish any report. Further, it is charged that 2'nd shift operators Mr. Palaniappan and Mr. E.K. Shankar abused the Plant Head with filthy words and they made attempt to attack him and

Mr. Kamaraj tried to rescue the Plant Head and he was reprimanded and he pushed down by the petitioner and his co-worker Mr. Palaniappan. But, it is stated in the evidence of MW3 that when he endeavored to escape from the co-worker Mr. Palaniappan and Mr. Kamaraj and his shirt was ripped off by the petitioner and his co-worker, but, the charge was framed against the petitioner. There was no chances for the alleged act which was stated in the charge sheet against the petitioner, when, the 2'nd shift was running on 20-01-2012, and the above charges are baseless. The petitioner has submitted his explanation, dated 21-01-2012 and the respondent has not furnished any documents for the alleged charges and the act of the respondent is against the natural justice. The respondent was having ulterior motive in taking disciplinary action to deprive the rights of the workman is absolutely false. The respondent has not conducted any enquiry properly for the alleged charges against the petitioner and other workman and the domestic enquiry has been initiated against the petitioner is not maintainable. Moreover, there was no preliminary enquiry conducted regarding the incident is immaterial and there is no need of preliminary enquiry for the false incidences and the charge sheet is to be rejected. It is against the principles of natural justice for the alleged domestic enquiry which was conducted on 04-02-2012 onwards. Disciplinary Proceedings Officer Mr. S. Subramanian ought to have been appointed the Enquiry Officer for conducting domestic enquiry regarding the incident and the activities of the Enquiry Officer are as against the principles of inquiry procedure. In the enquiry proceedings, the petitioner has submitted his explanation, letters and their objections and the documents, but, the respondent's Enquiry Officer has not taken into the consideration and the Enquiry Officer acted infavour of the respondent management. Further, the respondent has not considered the document Ex.M3 of the letter by the Assistant Protection Officer and does not referred with the original letter. The respondent has not produced any material object ripped shirt which was involved in the alleged assault committed by the petitioner and his co-worker and the document Ex.M4 photographs are produced during the enquiry proceedings which are not acceptable one. The Enquiry Officer has conducted enquiry on 25-04-2014 by examined witnesses as D1 to D4 and the Enquiry Officer was not explained his report stating that the petitioner along with co-worker has assaulted attack him, the Plant Head Mr. Thiruvagasam and tried to stop the

employees in order to rescue the Plant Head by Mr. Kamaraj and it is clear that the witnesses were examined as MW.1 to MW.3 are acted and deposed their evidence infavour of the respondent management. As such, the respondent was having ulterior motive in taking action against the petitioner and does not provide any subsistence allowance for the suspension period since 21-01-2012, and they have caused irreparable hardship to the petitioner. It is false to state that the respondent was conducting domestic enquiry by giving due opportunities under the principles of natural justice and findings were submitted based on the oral and documentary evidence and the petitioner was given full opportunities to produce the documents during the time of enquiry and the respondent has conducted enquiry was biased and in the absence of prove the charges of the enquiry proceedings, and the activities of the respondent are against the natural justice and the allegation made against the petitioner is not maintainable. The petitioner is entitled to reinstate with full back wages, continuity of service, and all other attendant benefits. The denial of employment to the petitioner without any reasonable cause and the act of the respondent is arbitrary, illegal and clear act of violation of principles of natural justice. In view of the above reasons stated the petitioner is entitled for reinstatement, back wages and subsistence allowances for the suspension period and other benefits. Therefore, prays this Court to pass an Award holding that the denial of employment to the petitioner with effect from show cause notice-cum-suspension order, dated 20-01-2012, is an act of unfair labour practice, illegal and consequently direct the respondent to reinstate the petitioner in his service with full back wages, continuity of service and all other attendant benefits.

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

1. The respondent herein denies all the averments made by the petitioner in his claim statement, dated 24-03-2017, except those that are all specifically admitted herein. The petitioner has filed his claim statement with false allegations against the respondent and the allegations so imputed are put to strict proof. It is submitted that the petitioner was a workman in the respondent factory and on 13-01-2012 at 1.45 p.m. first shift Supervisor Mr. Kamaraj issued memo to all the operators of the company for the reason of not producing "Production Hourly Report" at first shift. After gone through the memo, the operators had

refused to sign on the memo and returned it back and when they were asked for the reason, they did not furnish any proper reason. Subsequently, when Plant Head Mr. Thiruvassagam finished his lunch and just passed by that way, all the operators shouted and rushed to him. At that juncture, second shift operators Mr. Palaniyappan and Mr. E.K. Shankar (herein called the petitioner) abused the Plant Head with filthy languages and made an attempt to attack him as well. Consequently, Mr. Kamaraj tried to rescue the Plant Head, but, he was also reprimanded and pushed down by the petitioner and his co-workman Mr. Palaniyappan and the situation was finally pacified by the other staffs of the respondent company.

2. It is submitted that the petitioner was issued a show cause notice-*cum*-suspension order, dated 20-01-2012 for his abovesaid acts, for which the petitioner submitted his explanation, dated 21-01-2012. Since, the explanation given by the petitioner was not satisfied, he was issued a charge sheet, dated 23-01-2012 and an independent Enquiry Officer was appointed. The enquiry officer conducted her enquiry by giving due opportunities to the petitioner and submitted her report, dated 25-04-2014. Since, the charges levelled against the petitioner were stated to have been proved by the Enquiry Officer in her enquiry report, dated 25-04-2014, a second show cause notice, dated 12-05-2014 was issued communicating the proposed punishment. The petitioner gave his explanation, dated 25-04-2014.

3. As far as the petitioner is concerned he did not come forward neither to accept innocent and submitted only an evasive reply and the enquiry proceedings without any documentary evidence in support of his allegations. Since the misconducts committed by the petitioner were serious and grievous in nature his services were terminated, therefore, the contention of the petitioner are fictitious and an after thought and trying to mislead this Hon'ble Court by giving fictitious and false allegations against of this respondent. The 1st petitioner has suppressed every fact with ulterior motive of gaining sympathy and he has not come to this Court with clean hands.

4. It is submitted that the petitioner has claimed that he is the President of Shree Mother Plast Trade Union and all the permanent employees of the respondent company are the members of the said union. Therefore, when he started demanding for the production incentive and wage increment, his services

averments made in para 6 to 8 of his claim statement are concerned, the respondent herein denies all the averments and the contentions are absolutely false.

5. It is submitted that one of the Supervisor of the respondent's company Mr. Kamaraj has attempted to issue the memo to all the 1'st shift operators, who were failed to produce the Production Hourly Report, but, after receiving and reading the memo, the said operators refused to sign and returned it to him without any reason. The said incident was happened around 1.45 p.m., whereas, the 1'st shift ends and the 2'nd shift starts at 2.00 p.m. and so, the petitioner who had come to proceed his 2'nd shift duty was obviously presented on the spot. Subsequently, a group of employees headed by the petitioner and his co-worker Mr. Palaniyappan abused with filthy languages and rushed to the Plant Head Mr. Thiruvassagam to attack him and seeing this Mr. Kamaraj tried to stop the employees in order to rescue the Plant Head. At the point that point of time, the petitioner and his co-workers Mr. Palaniyappan, Mr. Kamaraj and when he endeavored to escape from them, his shirt was ripped off by them and then situation was appeased by the other staff of the respondent company and thus, he was issued a show cause notice for his delinquency.

6. It is submitted that right from the beginning the respondent herein was having a healthy practice of recognizing the union activities and negotiating the issues with the union and entered into various settlements from time to time. It was having strong faith in collective bargaining mechanism and there is no necessity for using any third grade methods to deprive the rights of the workmen in general and the petitioner s in particular. When the negotiation for wage settlement was going on, the members were trying to put indirect pressure of reducing the production and the petitioner herein was instrumental for such unruly behaviors. Therefore, contentions of the petitioner that the respondent was having ulterior motive in taking disciplinary action to deprive the rights of the workman is absolutely false. As far as the respondent was concern, it has not taken any action against the workmen, who have refused to receive the memos for obvious reason that it will instigate a tense situation inside the factory as the workers were large in number and action was instigated only against two workers who went to the extend of abusing, assaulting and manhandling the Supervisor. Therefore, contentions of the petitioner that no action was taken against the other workman does not have any relevance as far as his case is concern.

7. It is submitted that whatever may be the grievances, the petitioner should have approached the respondent management and negotiated the issue. If, there were any contraventions, he was having every right to seek a legal remedy through an appropriate forum. However, the petitioner was not only interfered into the managerial decisions but also instigated violence in the factory. The petitioner was not supposed to take the law in his own hand with an ulterior motive of disturbing the industrial peace and harmony inside the premises of the shop floor. Moreover, the petitioner used filthy languages against the management and the managerial staffs, which is not permissible at any point of time. The petitioner instead of proving himself that he has not involved in such unlawful acts, now trying to conceal all his misdemeanors with the veil of enquiry proceedings.

8. It is submitted that the petitioner was issued a detailed charges sheet-cum-suspension order and the suspension was executed for evading further rebellious behavior of the charge sheet-cum-suspension order was issued to the petitioner's co-worker Mr. Palaniyappan as well, who had been accompanied with the petitioner in leading the said transgression. In that case, domestic enquiry has been initiated nevertheless, during the enquiry, Mr. Palaniappan has voluntarily approached requested to close the enquiry proceedings. Considering his request, the respondent had withdrawn the enquiry and conferred his settlement as the wished. Therefore, the disciplinary action taken by the respondent against the petitioner neither retributive nor isolated.

9. It is submitted that the petitioner indulged in acts of assaulting and manhandling the Supervisor and was apprehended that the petitioner will also aggravate the situation further, in case, he is continued to be allowed inside the factory and spoil the atmosphere and that was the reason, the petitioner was suspended immediately, pending enquiry. Moreover, the petitioner's contention that there was no preliminary enquiry conducted regarding the incident is immaterial because, when a person of authority to take disciplinary action gets a complaint it is left to him to make such investigation of preliminary enquiry as he considers it fit together the information and find out the truth of the complaint and the evidence available support of it and if, *prima facie* of the facts exist, then no need for such preliminary enquiry. Though, the petitioner was

issued show cause notice, seeking his explanation for his acts, but, when the respondent found unsatisfactory of such reply instigated the domestic enquiry. Copy of all the documents based on which the enquiry was initiated, has been provided to the delinquent. The enquiry was conducted by giving due opportunities under the principles of natural justice and the findings were submitted based on the various oral and documentary evidences. The petitioner was also given good opportunities to examine and cross examine the witnesses and permitted to produce the documents. Therefore, the petitioner's contentions are after thought to safeguard his position. It is submitted that if at all there is a case, the petitioner is to prove as to how the enquiry is biased and in the absence of proving unfairness of the enquiry proceedings, making out such allegation is absolutely not maintainable. Even there are cases, decided by the Apex Court that the enquiry conducted by the Legal Advisor of the company is permissible, unless there were no bias is established. In this case also the same analogy is applicable and the contention of the petitioner in para 9 to 10 is not maintainable.

10. It is submitted that the Enquiry Officer who has conducted the enquiry initially was unable to continue the enquiry due to some personal reasons, so, the enquiry was postponed for few months, after that another person was appointed for that purpose and it was duly informed to the delinquent through a letter, dated 01-08-2013. Ever since all the legal procedures and formalities are being followed, the respondent does not have any intention to deny the legal rights of the petitioner and the enquiry was conducted within the parameter of Law. In case, the petitioner was having any issues, he should have settled the issue within frame work of law and he shall not follow this kind of awful strategy to escape from the charges levelled against him. In fact, the petitioner indulged in such unlawful acts of coercing the other workmen even in previous occasions and was issued with show causes notices on 16-5-2007 and 03-06-2010. Therefore, the petitioner is a continuous offender and every acts committed by him is unlawful acts and not in the order of a workman. Therefore, the action of the respondent is well within the parameter of law.

11. As far as the domestic enquiry is concern, it is not an enquiry to be conducted strictly in accordance with the civil or criminal laws; it is purely a procedural law, being conducted to find out the facts of the misconduct by giving due opportunities

under the principles of natural justice. Therefore, the contentions that the respondent did not conduct any preliminary enquiry, produced list of witnesses, material evidence Act are not applicable as claimed by the petitioner. It is the fundamental question to be relied upon is whether there were any bias or vested interest in conducting enquiry and unless such facts are proved the enquiry proceedings cannot be questioned at any point of time. The respondent herein relies completely on the proceedings recorded during the enquiry proceedings and the subsequent report submitted. Since, the charges levelled against the petitioner were proved, the respondent taken consideration of various facts and situations and taken action in the interest of industry and the workmen employed therein as a whole. Therefore, there was no bias or vested interest in taking action against petitioner and denies all the averments of the petitioner and consider those contentions as a blanket to cover up the grievous misconducts committed by him in to.

12. At the outset, it is submitted that the action initiated against the petitioner is only for the grievous misconducts committed by him and there were no *mala fide* intentions as contended by the petitioner in his claim petition. The punishment imputed against the petitioner is in proportion to the misconducts committed by him.

13. In view of the reasons stated above the petitioner is not entitled for any reinstatement, back wages or any other pecuniary benefits whatsoever and this Hon'ble Court may be pleased to dismiss the petition as devoid of merits and for costs of the petition.

4. *The point for consideration is:*

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

5. In the course of enquiry on the side of the petitioner PW.1 was examined and Ex.P1 to Ex.P11 were marked on the petitioner side. And on the side of the respondent's General Manager was examined as the RW.1 and Ex.R1 to Ex.R.18 were marked. Both sides arguments are heard. The pleadings of the parties, the evidence let in by either sides and the exhibits marked on both sides are carefully considered. On both sides, written arguments were filed and the same was carefully considered.

On the point:

6. It is the case of the petitioner that the petitioner was working as an Operator in the respondent's company and the respondent management is a supplier and manufacturer of plastic molding, injection precision engineering plastic works components and other plastic injection and plastic articles. The petitioner is member in the Shree Mother Plast Employees Union and president of the said union vide Registration No. 1690/RTU/2012 at Puducherry and the respondent's Administrative block in Nos. A43 to A48, Electronic Park PIPDIC, Thirubhuvanai, Puducherry. Further, it is contended that the there was regular practice to produce the Hourly Report to their company and the operators ought to have been submitted the report to the Supervisors in the respondent management. The petitioner was under suspension, dated 20-01-2012 and a show cause notice was issued to him with suspension order and alleging that the petitioner disorderly behavior, for which the petitioner has given explanation for the alleged charges against him, dated 21-01-2012. It is further contended by the petitioner that the respondent was not satisfied the explanation, dated 21-01-2012, and the respondent was issued a Charge Sheet, dated 23-01-2012 and an independent Enquiry Officer was appointed for conducting domestic enquiry for the alleged charges against the petitioner and the enquiry was conducted on 04-02-2012 without giving opportunities to the petitioner neither for cross examination of the respondent's witnesses nor to participate the enquiry proceedings to disprove the various allegations. Further, it is contended that the petitioner was suspended and terminated his service and alleging that the petitioner was caused misconduct behavior committed by the petitioner were severe grievous in nature.

7. *Per contra*, here the respondent contended that the petitioner entered into altercations and man handling of the factory's Plant Head Mr.Thiruvasagam for which show cause notice issued and the explanation given by the petitioner is not accepted and proper enquiry was conducted by an independent Enquiry Officer and the finding that the petitioner was recommended for suspension and the petitioner was suspended and subsequently, he was terminated from service for alleged charges and misconduct of the petitioner along with co-worker Mr. Palaniappan and the punishment was imputed in proportion to the misconducts committed by the petitioner during the time running factory work. Further, it is contended that the Enquiry Officer had conducted enquiry by giving due

opportunities and submitted the enquiry report on 25-04-2014, since the charges levelled against the petitioner has been proved and stated in the enquiry report on 25-04-2014. Further, it is stated that the respondent has issued a second show cause notice to the petitioner, dated 12-05-2014 and was communicating to the petitioner and his proposed punishment and the petitioner given his explanation, dated 03-06-2014 to the respondent management. According to the respondent that the domestic enquiry was conducted fair and freely without any bias or any interest vested in taking action against the petitioner and the punishment imputed to the petitioner for his misconduct during the working hours in the respondent's factory. Further, it is stated that the petitioner was issued charge sheet-cum-suspension order but, his co-worker Mr. Palaniappan who had accompanied with him in leading the said transgression and he has voluntarily approached the respondent and made an apology in writing for his misdemeanors along with the petitioner requested to close the enquiry proceedings and it is stated that disciplinary action taken by the respondent against the petitioner neither retributive nor isolated and the petitioner had instigated violence in the factory and the petitioner used filthy languages against the management and their staffs, which is not permissible and the petitioner has spoiled the atmosphere and he was suspended immediately pending enquiry. Further, it is stated by the respondent that the petitioner used to join with trouble makers and on 05-08-2014 indulged in an act of violence and criminal action was taken against him and the claim of the back wages during the period from the date of termination is not maintainable.

8. The pleadings of the parties and the exhibits marked on both sides are carefully considered. On both sides, written arguments were filed and the same was carefully considered. The petitioner is examined as PW1 and Exs.P1 to Ex.P11 are marked as documents on the petitioner side. Further, the petitioner/PW1 has stated in his oral evidence that the respondent - management acted illegally and terminated from service without any cause and terminated him without any justification and the act of the respondent is totally against the law and such act of the respondent management is purely *mala fide* and it is an arbitrary in nature.

9. Further, the respondent is examined as RW1 and the documents are marked as Exs.R1 to Exs.R18 on the respondent side. RW1 deposed that the petitioner is trouble maker and continuous offender with violent behaviour and he has not produced any documentary evidence during the time of domestic enquiry to show

that he is not gainful employment and he is not entitled for reinstatement and for back wages for the alleged suspension period.

10. The following documents are marked on the petitioner side are as follows. Ex.P1 is the copy of suspension order issued by the respondent, dated 20-01-2012. Ex.P2 is the petition given by all the workers is to cancel the suspension order given to the petitioner, dated 21-01-2012. Ex.P3 is the copy of charge sheet issued to the petitioner by the respondent, dated 23-01-2012. Ex.P4, dated 23-01-2012, is the copy reply given by the petitioner to the respondent for the alleged show cause notice for the alleged misconduct. Ex.P5 is the copy of the petition for refusing opportunities to the petitioner for the domestic enquiry, dated 19-03-2013. Ex.P6 is the copy of the Domestic Enquiry Report, dated 25-04-2014. Ex.P7 is the copy explanation given by the petitioner for the alleged show cause notice to the petitioner, dated 12-05-2014. Ex.P8 is the copy permanent suspension order issued to the petitioner by the respondent management, dated 11-10-2014. Ex.P9 is the copy of the objection petition seeking cancel the suspension order, dated 14-11-2014. Ex.P10 is the copy of the Industrial Dispute (2A), dated 26-11-2014. And Ex.P11 is the copy of the report of the failure of conciliation before the Labour Officer, dated 11-07-2016. These are the documents have been supported for the claim of the petitioner and it is contended that the petitioner is entitled for reinstatement and for back wages to the petitioner for the suspension period and other monetary benefits as per rules of the respondent's company.

11. Further, the respondent have been supported the documents to deny the claim of the petitioner and they are follow. Ex. R1 is the copy of charge sheet issued to the petitioner by the Saba Industries Private Limited, dated 16-05-2007. Ex.R2 is the copy of show cause notice issued to the petitioner, dated 03-06-2010. Ex.R3 is the copy of the complaint of Mr. Gandhi, dated 13-01-2012. Ex.R4 is the copy of the complaint letter of Mr. Kamaraj, dated 13-01-2012. Ex.R5 is the copy of the complaint letter of Mr.Thiruvassagam, dated 18-01-2012. Ex.R6 is the copy of the show cause notice-cum-suspension order to the petitioner, dated 20-01-2012. That on 21.01.2012 a reply given by the petitioner is as Ex.R7. Ex.R8 is the copy of charge sheet issued to the petitioner, dated 23-01-2012. Ex.R9 is the copy of apology letters of Mr. Palaniappan, dated 08-12-2012. Ex.R10 is the copy of the First Enquiry Officer's letters mentioning his inability to continue to conduct enquiry, dated 23-07-2013. Ex.R11 is the copy of intimation letter

to the petitioner regarding appointment of new Enquiry Officer, dated 01-08-2013. Ex.R12 is the copy of the domestic enquiry proceedings. Ex.R13 is the copy of the enquiry report, dated 25-04-2014. Ex.R14 is the copy of the second show cause notice issued to the petitioner by the respondent management, dated 12-05-2014. Ex.R15 is the copy of the termination order of the petitioner, dated 11-10-2014. Ex.R16 is the copy of the settlement given by the respondent to the petitioner, dated 11-10-2014. Ex.R17 is the copy of the FIR filed against the petitioner and others by the Thirubhuvanai Police, dated 05-08-2014. Ex R18 is the copy Bail Order and petition, dated 28-08-2014. It is contended by the respondent that the petitioner is trouble maker and he continuous offender coupled with violent activities and on 05-08-2014, the petitioner and other co-workers together indulged in act of the violence in the industrial belt of the respondent factory and further, the petitioner has not produced any documentary evidence to shows that he is not in gainful employment and the petitioner is not entitled for back wages during the period from the date of his termination are not maintainable. Because, it is argued that the petitioner was given sufficient opportunities to examine and cross examination of the witnesses, even, the delinquent enquiry was conducted and communicated through letter, dated 01-08-2013 under Ex.R11 and the legal formalities legal procedures are being followed and the enquiry was conducted within the parameter of the law.

12. The petitioner/PW.1 deposed that the respondent has to reinstatement of his employment and the respondent is liable to pay back wages due to his unlawful termination form service of the petitioner and the respondent. Further, it is stated in his evidence of PW.1 that the respondent was acted only to escape their liability to give monetary benefit to the petitioner and they gave termination/dismissal from her service on 20-01-2012 and it is proved under Ex.P1 and also the respondent has produced the document Ex.R6 the management issued the termination/dismissal letter, dated 20-01-2012, to the petitioner and it would amounts to illegal termination from employment. Further, RW.1 stated in his chief examination that a show cause notice -cum-suspension order, dated 20-01-2012 for his disorderly activities for which the petitioner has given explanation, dated 23-01-2012 under Ex.P4 and the same has been marked as Ex.R7. The respondent has issued charge-sheet to the petitioner, dated 23-01-2012 under Ex.P3 and Ex.R8. Further, it is deposed by the respondent that the management has issued another show cause notice, dated 03-06-2010 and it is evidenced from Ex.R2 and it is also Ex.R14 the second show cause notice

issued to the petitioner and the Ex.R15 is the termination order of the petitioner and the Ex.R16 is the settlement given to the petitioner. Further, the contractor of the Shree Mother Plast India Private Limited, company has lodged a complaint against the petitioner Mr. E.K. Shankar and co-workers before the Thirubhuvanai Police Station on 05-08-2014 and a case was registered under sections: 147, 148, 307, 324 and 323, r/w section 149 of IPC in FIR No. 90/2014, dated 05-08-2014 and it is evidenced from Ex.R17, i.e., the copy FIR filed by the respondent. It is found that the petitioner and 19 other workers are enlarged on Bail in CrI O.P. No. 22614/2014, 20-08-2014 on the file of the Hon'ble High Court of Madras and Ex.R18 is the copy of the bail petition order. On perusal of the bail order Ex.R18, it would shows that on 05-08-2014 in Thirubhuvanai NDLF pasted the posters of its procession at about 6 p.m. a huge procession of NDLF party workers proceeded raising slogans contending their demands and supporters of the contractors questioned workers, wordy quarrel took place and on such certain persons sustained injuries each side and some Police personnels sustained minor injuries and one Boopalan alleged in the complaint that Raja was assaulted with knives, but, in the hospital it was told that he was assaulted with sticks.

13. From the evidence of PW.1 and RW.1 it is found that the respondent was appointed the domestic enquiry for the alleged charges against the petitioner by the respondent's Enquiry Officer and the Enquiry Officer has submitted enquiry report, dated 25-04-2014 under the Ex.P6 and Ex.R13 confirming the charges levelled against the petitioner was proved. But, the averments made in the counter statement and in the evidence of RW.1 is not been admitted by the petitioner. Further, it is narrated in the evidence of PW.1 that the respondent that he approached and he has raised the industrial dispute before the Labour Officer (Conciliation) for amicable settlement and the conciliation was failed and the Labour Officer has referred the issue before the Labour Court for adjudication. Ex.P10 is the industrial dispute and Ex.P11 is the report of the Labour Officer for failure conciliation.

14. Further, it is contended on the respondent side that the enquiry was being conducted by giving full opportunities to take the assistance of the co-worker of the petitioner and the full opportunities was also given to the petitioner for cross examination of the respondent's witnesses and produce evidences and the enquiry was conducted free and fair reasonably and it is established under Ex.R12 and Ex.R13. On perusal of the case records it is clear that the petitioner is not been

examined in the domestic enquiry proceedings when the enquiry was conducted by the management. The other workers are examined as namely Mr. C. Kumar, R. Sakthivel, P. Prabhu and Mr. S.Panchatcharam as DW.1 to DW.4 during the domestic enquiry and the enquiry report is as Ex.R13, dated 25-04-2014. But, it is alleged by the respondent management that the petitioner and his co-worker Mr. Palaniappan has approached voluntarily the respondent management on 08-12-2012 and he has made an apology in writing for his misconduct along with co-worker petitioner and he requested to close the enquiry proceedings and the apology letter of the said Mr. Palaniappan is as Ex.R9. But, from the perusal of the apology letter of the Mr. Palaniappan, it seems that he has sought for continue the enquiry proceedings and he agreed for the continuous enquiry proceedings.

15. In support of the contention of the respondent, relies upon the decision in the case of “Delhi HC 2016 LLR 72-Manilal vs. Matchless Industries of India”, wherein, the Court has observed that when the evidence on record reveals that domestic enquiry by an Enquiry Officer appointed by the disciplinary authority has been conducted by adhering to the principles of natural justice, interference by the Court in the enquiry finding is not called for to substitute the findings already concluded. It is well settled that Enquiry Officer can also be an advocate of the employer and mere fact that the Enquiry Officer was conducted by an enquiry of the employer would not vitiate the enquiry. The management of the industrial establishments must satisfy the principles of natural justice while maintaining a neutral attitude towards the workmen. The delinquent employee must be apparently informed about the charges levelled against him and shall be provided with an opportunity to be heard so he can refute them and establish his innocence. He must be given an occasion to cross-examine the witnesses in his defense and evidence at the enquiry should be adduced in his presence. The punishment awarded, if, proven guilty, should be in proportion to the misconduct committed. These principles of natural justice are specified in sections 2(b), 5(2), 10A (2) and 13A of The Industrial Employment (Standing Orders) Act, 1946. In *Union of India vs. T.R. Verma*, 1957 AIR 882 (1958 SCR 499), the Court laid down that the principles of natural justice require the charge sheeted employee shall have an opportunity of adducing the relevant evidence and that the evidence of the employer should be taken in his presence, he should be given the opportunity of cross-examining the witnesses examined on behalf of the management and that no materials should be relied upon

against him without giving him an opportunity to explain to them. Following the procedure, the evidence recorded at an enquiry is not open to attack. In “1992 AIR SCW 2595 *State of Punjab vs. Ram Singh Ex-constable* and 1967 11 LLJ 715 SC *Firestone Tyre Rubber co vs. Workman*” wherein, the Hon’ble Supreme Court has very rightfully observed that “The word ‘Misconduct’ through not capable of precise definition, on reflection receives its connotation from the context, the delinquency in its performance and its effect on the discipline and the nature of the duty. It may involve moral turpitude. It must be improper or wrong behaviour, unlawful behaviour or transgression of definite rule of action or code of conduct, established and but, not mere error of judgments, carelessness or negligence in performance of the duty; the Act complained of bears forbidden quality of character”.

16. Further, it is held that Enquiry Officer, who was the company lawyer cannot be considered as being biased and partisan, who favoured and was partial towards the management of the company and the observation made in the case “2009 LLR SCC Page 1057- *Bieco Lawrie Limited vs. State of West Bengal and Another*”. Further, it is contended that the petitioner has claimed reinstatement and back wages on the ground that the enquiry proceedings was not conducted properly. In this regard, the contention has been held by the Hon’ble Supreme Court has held that even when the dismissal of a workman is set aside by the Court, compensation *in lieu of* reinstatement will be appropriate in the case “SC LLR 2008 1281-*Asok Kumar Sharma vs. Oheri Fligh Services*”. In “CDJ 2008 SC 20146-*Novartis India Limited vs. State of West Bengal and Others*” the Hon’ble Supreme Court has held that for the purpose of grant of back wages besides other factors, conduct of the concerned workman also plays a vital role. The respondent has relies upon the decision in the case of “2007 LLR 166 *High Polymer Laboratories vs. Jagdish Chand and Another (Punjab and Haryana High Court)*” wherein, the Court has observed that any conduct of the duties by an employee, inconsistent with the faithful discharge of the duties towards his employer would be a misconduct and further, it is submitted that when an employee willfully disobeyed the orders of the Supervisor and the employer terminates his service it is not open to take view that the punishment awarded is disproportionate to the charges proved and here in the present petitioner is concerned that he was awarded punishment of termination in proportion to the misconduct committed and requires no intervention.

17. In the light of the above decisions, it is clear that the monetary compensation *in lieu of* the reinstatement of the workman would not be proper and the reinstatement of the employee with back wages is not automatic and may not be appropriate in a given situation eventhough, the termination of an employee and it would be legal and the relief of reinstatement with back wages is not justified and back wages cannot be granted automatically and the burden of proof that the employee would not be workman now, he remained unemployed in the respondent factory and the burden of proof contained under section 106 of the Indian Evidence Act. In the case “2007 (9) SCC 748-Madya Pradesh Administration *vs.* Tribhuvan” the Apex Court held that while reiterating the principle relating to grant of back wages in some of the decisions to which we had adverted to the Court opined that the Court should consider each case on its own merits.

18. The learned Counsel for the petitioner would submits that no material records to show that the petitioner has committed misconduct and disorderly behaved during the time of working hours in the respondent's factory by the workman and in support he relies on the decision reported in “2008 (4) LLN 545 High Court of Madras—Management of Chemplast Saninar Limited *vs.* Presiding Officer, Labour Court, Salem and Another” wherein, the Court has held that the Labour Court has properly appreciated the circumstances and decided the case as per the power exercise under section 11A of the Industrial Disputes Act. The Apex Court held in “1996 (1) LLN 526-Palghat BPL and PSP Thozhilali Union *vs.* BPL India Limited and Another”, thus, the Apex Court has observed in Para 6 are as follows:

“In this case, the findings recorded by the High Court and the Labour Court is that stones were thrown and the officers were attacked which resulted in grievous injuries to the officers. But, it is seen that the appellants alone were not members of the assembly of the workman standing at the BPL bus stop. The Labour Court had discretion under section 11A of the Industrial Disputes Act, to consider the quantum of misconduct and punishment, In view of the surging circumstances the workman were agitating by their demands collective bargain for acceptance of their demands and when the strike was on the settlement during the conciliation proceedings though initially agreed to, was raised later on. They appeared to have attacked the officers when they were going to the factory. Under these circumstances, the Labour Court was

well justified in taking lenient view and in setting aside the order of dismissal and giving reinstate the workman with a cut of 75 per cent. of the back wages up to the date of award. In our considered view, the discretion exercised by the Labour Court is proper and justified in the above facts and circumstances. From the above decision, it is clearly applicable to the present case on hand and the workman have agitated and proceeded to attack the officers when they were going to the factory and the Labour Court took a lenient view of setting aside the dismissal order and directed reinstatement of the employees with 25 percentage of back wages.

19. In this dispute the petitioner's claim is that the non-employment (termination/dismissal) of the petitioner is an operator in the respondent's company, who was work from 1999, till his termination is not justified and sought for reinstatement with back wages from the respondent is justified. At this juncture we have to mentioned about some decisions on this issue for determination. In “Deepali Gundu Surwase *vs.* Kranti Junior Adhyapak Mahavidyalaya (D.Ed.) and Ors., 2013 (10) SCC 324” the Apex Court has held that in the case of wrongful termination of a worker, reinstatement with continuity of service and back wages was a normal rule. However, the payment of back wages has to be determined as per the facts and circumstances of each case and cannot be automatically granted on an order of, reinstatement of the worker. The worker has to specifically raise the claim for back wages, as well as present supporting evidence demonstrating his unemployment. The Court also set out various factors for calculating the back wages, which include, among others: (a) the length of service of a worker; (b) the nature of misconduct, if any, proved against a worker; and (c) the financial condition of an employer.

20. The two important kinds of reliefs that can be granted, in case, the workman is found to be wrongfully discharged, are: (1) reinstatement, and (2) compensation *in lieu of* reinstatement. Which of the two is appropriate in the circumstances of a particular case is a matter of judicial discretion depending upon the facts of such case. In “B. and C.Mills”, it was contended that the relief of reinstatement should be granted only in cases of victimization and unfair labour practice, and compensation should be granted in all other cases of improper termination of service. The Labour Appellate Tribunal rejected the contention saying that it was not possible to lay down rules which could be regarded as exhaustive on the subject and that each case had to be considered on its merits. And a year later, their Lordships of the Supreme Court confirmed the

proposition: Whether a discharged employee is to be reinstated in service, or the compensation would be an adequate relief is a matter of discretion. "Admittedly, the petitioner was under suspension in view of the document Ex.R15, dated 11-10-2014 and recommended for other monetary benefits for his suspension period. Suspension is of three kinds. An order for suspension may be passed by way of punishment in terms of the conduct rules. An order for suspension can be also passed by the employer in exercise of its inherent power in the sense that he may not take any work from the delinquent officer but, in that event, the entire salary is required to be paid. An order for suspension can also be passed, if, such a provision exist in the rule laying down that in place of the full salary, the delinquent officer shall be paid only the subsistence allowance specified therein. The petitioner herein admittedly not obtained any subsistence allowances without any demur and the petitioner has raised objections and it is evidenced from Ex.P9 and the respondent has not considered the provision of section 11(A) of the Industrial Disputes Act, before the termination of the petitioner from service.

21. The Apex Court has held that the principles governing the award of back wages is no longer *res integra* and the same are well settled in the decisions reported in "M.P. State Electricity Board *vs.* Jarina Bee (Smt.), G.M. Haryana Roadways *vs.* Rudhan Singh, U.P. State Brassware Corporation *vs.* Uday Narain Pandey, J.K. Synthetics Limited *vs.* K.P. Agrawal and Anr., Metropolitan Transport Corporation *vs.* V. Venkatesan, Jagbir Singh *vs.* Haryana State Agriculture Marketing Board and Anr., and Deepali Gundu Surwase *vs.* Kranti Junior Adhyapak". After referring to the above judgments, the Court held that:

"In our considered opinion, the Courts below completely failed to see that the back wages could not be awarded by the Court as of right to the workman consequent upon setting aside of his dismissal/termination order. In other words, a workman has no right to claim back wages from his employer as of right only because the Court has set aside his dismissal order in his favour and directed his reinstatement in service".

22. The cases in which the Labour Court/Industrial Tribunal exercises power under section 11 (A) of the Industrial Disputes Act, 1947 and finds that even though the enquiry held against the employee/workman is consistent with the rules of natural justice and or certified standing orders, if any, but, holds that the punishment was disproportionate to the misconduct

found proved, then it will have the discretion not to award full back wages. However, if, the Labour Court/Industrial Tribunal finds that the employee or workman is not at all guilty of any misconduct or that the employer had foisted a false charge, then there will be ample justification for award of full back wages.

23. As this Court has decided that industrial dispute raised by the petitioner against the respondent, over non-employment is not justified, because of, there is no proper domestic enquiry conducted about the alleged charges and misconduct committed by the petitioner during the working hours along with co-worker and for his unsatisfactory job performance as specified in the show cause notice-*cum*-suspension order, dated 20-01-2012 under Ex.P1 and the same has been produced by the respondent in Ex.R6. Further, it is decided by the respondent that the petitioner is not entitled for back wages as claimed by him, due to his misconduct and disorderly behavior and his explanation given to the respondent, dated 23-01-2012 under Ex.P4, and the petitioner's explanation was not accepted and the charge-sheet issued to the petitioner, dated 23-01-2012 in Ex.P3 and Ex.R8 and the Enquiry Officer was appointed and the same has been communicated to the petitioner and it is established under Ex.R10 and Ex.R11 and Ex.R12 and after completion of the enquiry proceedings, the Enquiry Officer had submitted report under Ex.R13, then the petitioner was suspended permanently from the service of the respondent's company. There is no evidence to shows 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 the refusal of employment. However, the petitioner workman could have served at any other industry after the refusal of employment. Considering the above facts and circumstances, this Court decides that the petitioner is entitled for reinstatement of the employment along with his back wages and other benefits as per rules of the respondent's company. With regard to compensation as back wages with continuity of service from the respondent and other attendant benefits are maintainable. Therefore, the claim of the petitioner Thiru E.K. Shankar, for reinstatement in the respondent factory is justified and the petitioner is entitled for compensation as back wages.

24. A workman has no right to claim back wages from his employer as of right only because the Court has set aside his dismissal order in his favour and directed his

reinstatement in service. 'The Supreme Court has held that the back wages could not be awarded by the Court as of right to the workman consequent upon setting aside of his dismissal/termination order. The Court of the considered opinion that the law laid down by the Apex Court in the case of "Bharat Sanchar Nigam Limited vs. Bhurumal (2014) '7 SCC 177]" would aptly apply to the facts of this case and we prefer to apply the same for disposal of these appeals. It is opposite to reproduce what this Court has held in the case of Bharat Sanchar Nigam Limited. "It is clear from the reading of the aforesaid judgments that the ordinary principle of grant of reinstatement with full back wages, when the termination is found to be illegal is not applied mechanically in all cases. While that may be a position where services of a regular/permanent workman are terminated illegally and/or *mala fide* and/or by way of victimization, unfair labour practice, etc. However, when it comes to the case of termination of a daily wage worker and where the termination is found illegal because of a procedural defect, namely, in violation of section 25-F of the Industrial Disputes Act, this Court is consistent intaking the view that in such cases reinstatement with back wages is not automatic and instead the workman should be given monetary compensation which will meet the ends of justice. The reasons for denying the relief of reinstatement in such cases are obvious. It is trite law that when the termination is found to be illegal because of non-payment of retrenchment compensation and notice pay as mandatory required under section 25-F of the Industrial Disputes Act, even after reinstatement, it is always open to the management to terminate the services of that employee by paying him the retrenchment compensation. Since such a workman was working on daily wage basis and even after he is reinstated, he has no right to seek regularization. Thus, when he cannot claim regularization and he has no right to continue even as a daily wage worker, no useful purpose is going to be served in reinstating such a workman and he can be given monetary compensation by the Court itself in as much as if, he is terminated again after reinstatement, he would receive monetary compensation only in the form of retrenchment compensation and notice pay. In such a situation, giving the relief of reinstatement, would serve the justice to the affected employee and his life and also his family.

25. It is clear from the pleadings of both the parties, claim statement, counter statement and based on the oral and documentary evidence adduced by both sides, it would clear that both the parties have admitted the

fact that the petitioner was under suspension, dated 20-01-2012 and explanation given by the petitioner, dated 21-01-2012 and the charge-sheet was issued, dated 23-01-2012 to the petitioner and an independent enquiry was conducted by the Enquiry Officer and the enquiry report was submitted on 25-04-2014 confirming the charges levelled against the petitioner has been proved as per the respondent's contention and subsequently, a second show cause notice has been issued to the petitioner, dated 12-05-2014 and it was communicating to the petitioner and the petitioner was given his explanation, dated 03-06-2014 for the alleged second show cause notice and then the respondent was issued show cause notice to the other workman on 16-05-2017 and 03-06-2010. Further, it is found that the petitioner was terminated permanently under Ex.P8 and the respondent's document Ex.R15, dated 11-10-2014. It is crystal clear that the industrial dispute has been raised by the petitioner before the Labour Officer (Conciliation) Puducherry, over non-employment and the petitioner has represented, dated 26-11-2014 in order to protract the rights of the workers and collective bargaining and the management was taking revenge activities on the employees in which the union was established and the petitioner was given a charter of demands to the management for the year 2011-2014, in order to drag the issue and the management did not settle the issue to dissolve the dispute raised by the petitioner's union, and he was temporarily suspended at first instance and, then he was permanently suspended by way of enquiry on 11-10-2014 and there was no opportunity given to defend the charges as alleged by the respondent and the petitioner was not allowed to cross examine the respondent's witnesses eventhough the petitioner informed his letter, dated 19-03-2013 which is proved under Ex.P5, the respondent management did not consider the explanation of the petitioner workman and the petitioner was given his letter, dated 16-06-2012 requested for evidences, documents to provide his side and the same was not served to him and he was not given sufficient chances to prove himself as alleged charges. As far as the respondent concerned the service of the petitioner was terminated for grievous misconduct committed by him and the termination was made based on the enquiry report of the Enquiry Officer after giving opportunities under principles of natural justice. But, there is no sufficient evidence to shows that the domestic enquiry was conducted fair and free and it is found that the petitioner was not giving sufficient opportunities to prove the charges alleged by the respondent by producing evidence and relevant documents.

26. Therefore, the Labour Court/Tribunal is of the considered view that the industrial dispute raised by the petitioner against the respondent management, over his non-employment 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 petitioner 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 could have served at any other industry after his termination. Considering the above facts and circumstances, this Court decides that the petitioner is entitled for reinstatement and for back wages with continuity of service and other attendant benefits.

27. In the result, this Industrial Dispute (Labour) Petition is allowed and directing the respondent to reinstate the petitioner in the respondent's company within a month and the respondent is directing to pay the back wages from the date of suspension of the petitioner, and the amount to be paid within one month from the date of the award. The parties are hereby directed to bear their respective cost of the petition.

Typed by me in Laptop, and transcribed by me, corrected and pronounced by me in the open Court on this the 10th day of April, 2019.

C. KUMAR SARAVANAN,
Presiding Officer (FAC),
Industrial Tribunal-cum-
Labour Court, Puducherry.

List of petitioner's witness:

PW.1 — 20-06-2017 E. K. Shankar (Petitioner)

List of petitioner's exhibits:

Ex.P1 — 20-01-2012 The show cause-cum-suspension order of the petitioner.

Ex.P2 — 21-01-2012 Copy of the petition of the all employees to cancel the suspension order to the respondent.

Ex.P3 — 23-01-2012 The charge sheet issued by the respondent to the petitioner.

Ex.P4 — 23-01-2012 Copy of the reply to the charge sheet by the petitioner to the respondent.

Ex.P5 — 19-03-2013 Copy of the petition given by the petitioner regarding unfairness of domestic enquiry.

Ex.P6 — 25-04-2014 Copy of the domestic enquiry report.

Ex.P7 — 12-05-2014 The show cause notice.

Ex.P8 — 11-10-2014 The dismissal order of the petition.

Ex.P9 — 14-11-2014 Copy of the objection petition on dismissal order by the petitioner to the respondent.

Ex.P10 — 26-11-2014 Copy of the 2A petition.

Ex.P11 — 17-07-2016 Copy of the report on failure of conciliation.

List of respondent's witness:

RW.1 — 25-09-2017 G. Narayanamoorthy
(General Manager).

List of respondent's exhibits:

Ex.R1 — 20-01-2012 Copy of the charge-sheet issued to the petitioner by Saba Industries Private Limited.

Ex.R2 — 21-01-2012 Copy of the show cause notice issued to the petitioner.

Ex.R3 — 23-01-2012 Copy of the Mr. Gandhi's complaint letter.

Ex.R4 — 23-01-2012 Copy of the Mr. Kamaraj's complaint letter.

Ex.R5 — 19-03-2013 Copy of the Mr. Thiruvagasam's complaint letter.

Ex.R6 — 25-04-2014	Copy of the show cause notice- <i>cum</i> -suspension order.	Ex.R13 — 11-07-2016	Copy of the enquiry report of the petitioner.
Ex.R7 — 12-05-2014	Copy of the reply letter given by the petitioner.	Ex.R14 — 11-07-2016	Copy of the 2nd show cause notice.
Ex.R8 — 11-10-2014	Copy of the charge sheet issued to the petitioner.	Ex.R15 — 11-07-2016	Copy of the termination order of the petitioner.
Ex.R9 — 14-11-2014	Copy of the Mr. Palaniyappan's apology letters.	Ex.R16 — 11-07-2016	Copy of the settlement given to the petitioner.
Ex.R10 — 26-11-2014	Copy of the first Enquiry Officer's letter mentioning his inability to continue the enquiry.	Ex.R17 — 11-07-2016	Copy of the FIR filed against the petitioner and others by the Thirubuvana Police.
Ex.R11 — 11-07-2016	Copy of the intimation letter to the petitioner regarding appointment of a new Enquiry Officer.	Ex.R18 — 11-07-2016	Copy of the bail petition order.
Ex.R12 — 11-07-2016	Copy of the domestic enquiry proceedings.		

C. KUMAR SARAVANAN,
Presiding Officer (FAC),
Industrial Tribunal-*cum*-
Labour Court, Puducherry.

GOVERNMENT OF PUDUCHERRY
LOCAL ADMINISTRATION SECRETARIAT

(G.O. Ms. No. 13/LAS/A4/2019, Puducherry, dated 29th July 2019)

ORDER

The Central Government has announced Rashtriya Gram Swaraj Abhiyan (RGSA) to build capabilities of Panchayati Raj Institutions. In order to implement the Abhiyan, following Committees are constituted:

A. State Executive Committee (SAC)

Composition of the Committee		Roles/Functions to be performed by the Committee
1. Hon'ble Minister for Local Administration	.. Chairperson	To review periodically the performance in implementation of the Scheme of RGSA and to advise suitably authorities of the Union territory for effective implementation.
2. Hon'ble Minister for Rural Development	.. Member	
3. Secretary to Government, Finance	.. Member	
4. Secretary to Government, Social Welfare	.. Member	
5. Secretary to Government, Rural Development	.. Member	
6. Secretary to Government, Women and Child Development	.. Member	
7. Secretary to Government, Local Administration	.. Member-Secretary.	