



புதுச்சேரி மாநில அரசிதழ்

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PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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வெளியீடு

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GOVERNMENT OF PUDUCHERRY LABOUR DEPARTMENT

No. 7148/AIL/Lab./G/2020.

Puducherry, dated 23rd December 2020.

NOTIFICATION

The notification in S.O. 3596(E) of the Ministry of Labour and Employment, Government of India, New Delhi, published in the Extraordinary Gazette of India, dated 13th October, 2020, is hereby republished for general information of the public.

(By order)

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

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 13th October, 2020.

NOTIFICATION

S.O. 3596(E).—Whereas, the Central Government constituted two Wage Boards to fix or revise rates of wages for journalists and non-journalist newspaper employees and news agency employees, under section 9 and section 13C of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955) (hereinafter referred to as the said Act), by the Notifications of the Government of India in the erstwhile Ministry of Labour *vide* numbers S.O.641 (E), dated the 2nd September, 1994 and S.O. 642(E), dated the 2nd September, 1994, respectively;

And whereas, the said Wage Boards submitted Report containing their recommendations (Manisana Wage Board Recommendations) to the Central Government on the 25th day of July, 2000; and the said recommendations, were accepted by the Central Government, as contained in "Part Three" of the said Report;

And whereas, in exercise of the powers conferred by section 12 of the said Act, two orders along with such modifications as specified in Part Three of the said Report, were notified *vide* notification numbers S.O. 1086 (E), dated the 5th December, 2000 and subsequently amended *vide* notification number S.O.1125(E), dated the 15th December, 2000 (hereinafter referred to as the said two notifications);

And whereas, the said two notifications were struck down by the Hon'ble High Court of Karnataka *vide* its Order, dated the 1st February, 2006 and by the Hon'ble High Court of Delhi *vide* its Order, dated the 21st November, 2006, respectively;

And whereas, in W.P. (C) No. 5226 of 2010 (in the matter of Sri Achutha Rao and others *Vs.* Union of India, Manisana Wage Board and Manipal Media Network Limited), the Hon'ble High Court of Karnataka *vide* its Order, dated the 21st January, 2011, disposed of the Writ Petition after noting that Manipal Media Network Limited was agreeable to implementing the Manisana Wage Board Order in the case of its employees;

And whereas, the Central Government, in exercise of the powers conferred by section 12 of the said Act and in supersession of the said two notifications, notified the Majithia Wage Board recommendations *vide* notification number S.O. 2532 (E), dated the 11th November, 2011, except as respects things done or omitted to be done before such supersession;

And whereas, while the matters stood like that, the Statesman Mazdoor Union filed a fresh Writ Petition under W.P. (C) No. 6319 of 2014 before Hon'ble High Court of Delhi to direct the Central Government to re-notify both the said two Notifications;

And whereas, the Hon'ble High Court of Delhi disposed of the said W.P. (C) No. 6319 of 2014 *vide* its judgment, dated the 6th July, 2018 with the observation that the judgment, dated the 1st February, 2006 of the Hon'ble High Court of Karnataka did not survive in view of the subsequent Order of the said High Court, dated the 21st January, 2011 passed in Achutha Rao and others Vs. Union of India and others in W.P. (C) No. 5226 of 2010; and further directed the Central Government to dispose of the representation of the Statesman Mazdoor Union after following the due procedure as laid down under the said Act;

And whereas, a Letters Patent Appeal 549 of 2018 as against the said Order dated the 6th July, 2018 was preferred by the Statesman Limited; and while disposing of the said Letters Patent Appeal, the Division Bench of the Hon'ble High Court of Delhi, has, *inter alia*, observed that implementation of the Majithia Wage Board recommendations will not efface the Manisana Wage Board recommendations and there are no limitations for the exercise of the powers by the Central Government under section 12 of the said Act;

And whereas, the Hon'ble High Court of Delhi *vide* its Order in Letters Patent Appeal 549 of 2018 and Civil Miscellaneous No. 39593 of 2018, dated the 5th December, 2018 and subsequent Order, dated the 24th June, 2019, passed in Civil Miscellaneous Appeal Nos. 28500 and 28501 of 2019 in Letters Patent Appeal 549 of 2018, directed the Central Government that it will orders in accordance with law;

And whereas, in pursuance of the proviso to clause (a) of sub-section (2) of section 12 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955) a notice was published in the Official Gazette *vide* notification number S.O.1731(E), dated the 14th May, 2019, to notify all persons likely to be affected by the proposed re-notification to the Manisana Wage Board recommendations to make their representations in writing within a period of thirty days from the date of publication of the said notice;

And whereas, representations were received in the Ministry in response to the notice published in the Official Gazette *vide* the said notification number S.O.1731(E), dated the 14th May, 2019 and the same were examined and considered;

Now, therefore, in pursuance of the said directions of the Hon'ble High Court of Delhi and in exercise of the powers conferred by sub-section (1) of section 12 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955), the Central Government hereby makes an Order, which in the opinion of the Central Government do not affect important alterations in the character of the Manisana Wage Board recommendations, to cover the period and the classes of working journalist and non-journalist newspaper employees as mentioned below, namely:—

- (a) 1st April, 1998 to 10th November, 2011 (in respect of newspaper establishments of classes III, II, I, IA and IB);
- (b) 1st June, 1999 to 10th November, 2011 (in respect of newspaper establishments of classes IV and V); and
- (c) 1st April, 2000 to 10th November, 2011 (in respect of newspaper establishments of classes VI to IX).

2. In view of the foregoing, the notification numbers S.O. 1086 (E), dated the 5th December, 2000 and subsequently amended *vide* notification number S.O. 1125(E), dated the 15th December, 2000 shall, for all purposes be deemed operational for the purposes of this notification and be treated as the part of this order in compliance with the directions, in letter and spirit, of the Division Bench of the Hon'ble High Court of Delhi, in Letters Patent Appeal 549 of 2018 and Civil Miscellaneous No. 39593 of 2018, dated the 5th December, 2018 in respect of working journalist and non-journalist newspaper employees, who were employed during the period governed by the Manisana Wage Board Recommendations as specified in preceding paragraph.

[F.No. S-14016/2/2015-WB]

VIBHA BHALLA,
Joint Secretary.

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