



புதுச்சேரி மாநில அரசிதழ்

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அதிகாரம் பெற்ற வெளியீடு

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பொருளடக்கம்

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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 80/AIL/Lab./T/2021,
Puducherry, dated 13th November 2021)

NOTIFICATION

Whereas, an Award in I.D (L) No. 04/2015 to I.D (L) No. 07/2015 and I.D (L) No. 10/2015, dated 15-09-2021 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the industrial dispute between the management of M/s. AVA Cholayil Health Care Private Limited, Puducherry and (i) Tmt. G. Madhiyarasi, Puducherry; (ii) Tmt. M. Thiruselvi, Puducherry; (iii) Tmt. M. Muniyammal, Puducherry; (iv) Thiru C. Karuppaiah, Puducherry and (v) Thiru P. Sunil Kumar, Puducherry, 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 23-05-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

D. MOHAN KUMAR,

Under Secretary to Government (Labour).

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

Present : Thiru R. BHARANIDHARAN, M.L.
Presiding Officer.

Wednesday, the 15th day of September 2021.

**I.D (L) No. 04/2015 to I.D (L) No. 07/2015 and
I.D (L) No. 10/2015**

I.D (L) No. 04/2015

in

C.N.R. No. PYPY060000782015

G. Madhiyarasi,
Muthumariamman Kovil Street,
Fire Station Backside, Muthu Nagar,
Madugarai, Puducherry-605 110. . . Petitioner

I.D. (L) No. 05/2015

in

C.N.R. No. PYPY060000442015

M. Thiruselvi,
C/o. Ramalingam,
No. 22, Poraiyathamman Kovil Street,
Thamizhthai Nagar, Vanarapet,
Puducherry-605 001. . . Petitioner

I.D. (L) No. 06/2015

in

C.N.R. No. PYPY060000452015

M. Muniyammal,
Pillaiyar Kovil Street,
Balaji Nagar, Kombakkam,
Puducherry-605 110. . . Petitioner

I.D. (L) No. 07/2015

in

C.N.R. No. PYPY060000462015

C. Karuppaiah,
No.10, First Street,
Thirukuralar Nagar,
Villianur,
Puducherry-605 110. . . Petitioner

I.D. (L) No. 10/2015

in

C.N.R. No. PYPY060000492015

Sunil Kumar,
Mahalakshmi Illam,
12th Cross, Vennisamy Nagar,
G.N. Palayam, Arumbarthapuram,
Puducherry-605 105. . . Petitioner

Versus

**I.D. (L) No. 04/2015 to I.D. (L) No. 07/2015 and
I.D. (L) No. 10/2015**

The Managing Director,
M/s. AVA Cholayil Health Care Private Limited,
Odhiyampet Village,
Puducherry - 605 110. . . Respondent

These industrial disputes coming on 08-09-2021 before me for final hearing in the presence of Thiruvalargal A. Sakthivel and A. Govindh, Advocates for the petitioners and Thiru B. Mohandoss, Advocate for the respondent, upon hearing both sides, upon perusing the case records, after having stood over for consideration till this day, this Court delivered the following award: Having considered that the petitioners are the erstwhile employees of the respondent company and considering the fact that the cause of action for the present reference for all the petitioners are one and the same and the counter averments of the respondent in all the industrial disputes are one and the same. This Court is inclined to pass Common Award in all the industrial disputes.

COMMON AWARD

These Industrial Disputes have been referred by the Government for adjudicating whether the industrial dispute raised by the petitioners against the management of M/s. AVA Cholayil Health Care Private Limited, Odhiyampet Village, Puducherry, over their

non-employment is justified and if justified, what relief the petitioners are entitled to, in which the petitioners have filed claim statements praying for reinstatement with continuity of service and with back wages.

2. *The case of the petitioners, in brief, are as follows:*

The petitioners are working with the respondent company for 18 years. They are also members of Medimix Labours Union. The respondent company is engaged in production of soap. There are 60 Members in the petitioner's Union and remaining 23 Labours are with employees Welfare Union. For the past 28 years from the date of starting of the company the respondent has not implemented company's standing orders and Industrial Disputes Act. On 11-11-2011 the petitioner's Union has given complaint to the factory Inspector since, the respondent management has engaged the employees for white washing and cleaning the drainage. The respondent management has dismissed one Ayyappan who is the President of the petitioner's Union. Against the arbitrary removal representation was made before the Conciliation Officer. Since, the conciliation fails reference was made to the Labour Court. On 05-06-2012 during strike the petitioner has not indulged in unlawful activities. On 05-06-2012 the 23 employees were attended duty. In spite of that the respondent has declared lockout *sine die*. Since, the petitioners are the active members of the petitioners union they were removed from service by the respondent management by imputing false charges. The Domestic Enquiry Officer conducted the enquiry from 02-03-2013 to 27-04-2014. The enquiry was conducted for about 14 months. The Enquiry Officer has not permitted the petitioner to examine the witness and the Enquiry Officer has not followed the principles of natural justice.

(ii) The respondent management has levelled various allegation against the petitioner and others, which are totally false. The petitioners never stopped any employee from attending duty and has not prevented the lorry belongs to Sarath Logistic Company from transporting the finished products. On the date of strike Police were stationed at the company premises and there was no untoward incident taken place. The respondent has also made a false allegation that the petitioner and others went to the house of Thiru. Lucas on 05-11-2013 at 07.30 a.m. as if, the petitioner and others threatened him. The complaint preferred against the petitioners Thiru Lucas on 05-06-2012 is totally false. Without any proper reason the representation of the

management was withdrawn from the domestic enquiry. Without concluding the enquiry punishment was inflicted upon the petitioner and others which is totally against the principles of natural justice. The petitioners pray to set aside the dismissal order and order for reinstatement along with salary, allowance, bonus and compensation to the petitioner.

(iii) On 05-06-2012 the 23 employees were attended the job. Even then, the respondent management has declared lockout which is against the principles of law. Since, the petitioners are holding post in the Union, the respondent management with a view to take revenge has imputed the false charges. On 23-05-2013 during the course of domestic enquiry when there was no one represent the petitioner. The Enquiry Officer has obtained the statement of management witnesses 3 and 4 which was not proper. If, at all any untoward incident happened on 05-06-2012 in the presence of respondent management staffs then would have entered the same in the registers maintained by them.

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

The petitioners are the members of Medimix Thozhilalar Sangam. It is not correct to state that out of 88 permanent workmen 60 workmen belongs to the petitioner Union. It is not correct to say the Thozilalar Nala Sangam, the other Trade Union formed by the workman of the respondent company to favour the management. The unlawful strike and other misleads committed by the workmen forced the respondent to declare lockout. The petitioner along with other workmen belongs to Medimix Thozhilalar Sangam stopped their production activities by indulging in strike without notice to the respondent. They were indulged in unlawful activities such as preventing the entry and exit of goods and shouting inflammable slogans in filthy language. The 1st Additional District Munsif Court, Puducherry, has granted interim injunction against the respondents not to hold meetings, dharna or raising slogans within 500 metres from the main gate of the factory premises. The petitioner was charged for her misconducts on 05-06-2012 that she along with co-workers stopped other employees from entering into the factory, causing production loss and monetary loss. The petitioner along with other employees prevented the entry of lorry bearing Registration No. TN 31 F 9959, passing derogatory remarks against the management staff, on 06-06-2012 and 5 other dates she joined with co-workers has made defamatory allegations through pamphlets. The petitioner along with co-workers

threatened the managerial and Administrative Officers. The respondent management arranged for domestic enquiry and Mr. K. Indrajith, Advocate was appointed as Enquiry Officer. The enquiry proceedings were stopped under extraordinary circumstances. Even before stopping the enquiry proceedings the petitioner and other employees were issued show cause notice, dated 10-07-2013. The petitioner filed reply, dated 25-07-2013. The respondent rejected the reply through speaking order, dated 27-08-2013. The respondent has also issued notice, dated 08-11-2013 regarding the proposed penalty of dismissal from service. The respondent after taking into consideration of the past record of service of the petitioner as issued dismissal order, dated 04-01-2014. There is no merit in the claim statement filed by the petitioner and pray for dismissal of the claim petition.

4 *The points for consideration are:*

Whether, the respondent management adopted unfair labour practice as against the petitioners and whether the non-employment of the petitioners are justified?

5. In all the industrial dispute common domestic enquiry was conducted by the respondent management. In all the industrial disputes facts are one and the same. Moreover, the petitioners in all the industrial disputes were examined as PW.1. In all the industrial disputes Ex.P1 to P23 were marked on the petitioner side. In I.D.(L) No. 05/2015 RW.1 to RW.5 were examined. In all other Industrial Disputes RW.1 to RW.4 were examined and respective Exhibits were marked on the respondent side.

6. *The evidence of petitioner witnesses in nutshell is as follows:*

All the petitioners were the members of Medimix Thozhilalargal Sangam registered as Trade Union in Regn. No. 1593/RTU2009. The petitioners are the permanent employees of the respondent management. Out of total 88 employees 60% are the members of the Medimix Thozhilalargal Sangam. The petitioners are working in the respondent company for about 18 years. The respondent management is not in the habit of following standing orders and Industrial Disputes Act. Only after the starting of Medimix Thozhilalargal Sangam in the year 2009, the petitioners has given representation to the Assistant Commissioner, Labour Department, Puducherry and enquiry is at the appeal stage. For the past 19 years the respondent is in the habit of getting signature for settlement under section 18(1) of the Industrial Dispute, Act. The respondent management has used the employees for the purpose of cleaning the drainage and white

washing the walls. The petitioners Union has given several representations to the management that the employees should not be engaged for non production works. Finally, the petitioner's Association has given a complaint to the Inspector of Factories the respondent management has also removed the President of Medimix Thozhilalargal Sangam by conducting enquiry partially. The problems faced by the management were periodically reported to the Conciliation Officer, Labour Department. The petitioners never engaged in any unlawful activities on 05-06-2012 during strike. On the date of strike 23 Labours were attended the duty even thereafter the respondent management has declared lockout which is not in accordance with law. The domestic enquiry was conducted by the officer Thiru Indrajith appointed by the management. The domestic enquiry was conducted from 02-03-2013 to 27-04-2014. The Enquiry Officer was acted in support of the management and prevent the petitioners from examining any witnesses. The Enquiry Officer has also not followed the principles of natural justice.

7. The Enquiry Officer on 06-06-2013 has denied the request of the petitioners for granting adjournment for cross-examination of K. Saravanan management witness. On 08-06-2013 the Enquiry Officer has denied the request of the petitioner for an adjournment of cross-examination of Sundar. On 23-05-2013 the Enquiry Officer has received the statement of the management witnesses in the absence of the petitioners which is against the principles of natural justice. Though, the respondent management has alleged that the petitioners on 05-06-2012 stopped the goods lorry bearing Registration No. TN 31 F 9959 belongs to Sarath Logistics. The respondent management has not directly receive any complaint from the Driver of the lorry. On 05-06-2012 the Police were present at the factory premises and there was not untoward incident taken place in presence of Police. No employee was arrested for their involvement of activities for any unlawful activities. The complaint preferred by Thiru Lucas on 05-11-2013 at Villianur Police Station, against the petitioners is totally false. There is no possibility for the petitioners for threatening the officer when they are seeking employment. On 08-06-2013 there is no altercation between one of the petitioner Karupaiah and the management representative Thiru Dhamodaran, after relieving the Presenting Officer from the domestic enquiry. The respondent management has not nominated any other Presenting Officer. Without appointing new Enquiry Officer. The respondent management abruptly stopped the enquiry and imposed punishment on the petitioners which is totally against the principles of natural justice.

8. Thiru Lucas RW.1 in his evidence deposed that the petitioners who were went on strike among the 27 workmen all belongs to Medimix Thozhilalargal Sangam stopped the production activities on 05-06- 2012 and they were indulged in unlawful activities by preventing the entry and exit of vehicles and employees. They have also shouting inflammable slogans in filthy language. The respondent has obtained the interim injunction against the petitioners and others in I.A. No. 1898/2012 in O.S. No. 986/2012. The order of the Court restrained the petitioners and others from preventing the entry of raw materials into the factory premises and entry of workmen, Officers and business customers. The allegation of the petitioners that the respondent management has dismissed the petitioners on false charges is totally false. For the alleged misconducts done by the petitioners on 05-06-2012 charge-sheet, dated 28-12-2012 was given to the petitioners stating 8 charges. The petitioners have given explanation, dated 12-01-2013 denying the charges of misconduct. Thiru K. Indrajith, Advocate was appointed as a Enquiry Officer proper opportunity was given to the petitioner side the enquiry was conducted with in accordance with law and principles of natural justice. The enquiry was stopped before the formal closure of evidence on account of un avoidable circumstances. The respondent came to a *bona fide* conclusion that there was an extraordinary circumstances beyond his control warrant stoppage of the enquiry proceedings by appointing another Presenting Officer and another Enquiry Officer. Even before the stopping of the enquiry proceedings were given show cause notice, dated 10-07-2013. The explanation given by the petitioners were considered on merit and the same was rejected through speaking order, dated 08-11-2013. After taking into account on all the relevant facts on 04-01-2014 the respondent management has imposed punishment of dismissal. The punishment of dismissal is in tune with gravity of misconduct committed by the petitioners.

9. RW.2 Thiru Sundar deposed that on 05-06-2012 at about 08.30 a.m. when he was about to enter the company he was stopped by the petitioners and other members of Medimix Thozhilalargal Sangam, Further, he deposed that he was prevented from entering into the factory premises he has given a complaint in this regard to the Factory Manager.

10. RW3 Thiru Dhamodaran who is the Deputy Manager of the respondent company deposed that for the misconducts committed by the petitioners they were served on the charge-sheet, dated 28-12-2012. The petitioners submitted their explanation, dated 12-01-2013. Thiru K. Indrajith, Advocate was appointed as Enquiry Officer. RW.3 is the Presenting Officer in the

common enquiry. The petitioners have shown hostile attitude towards the Presenting Officer and the Enquiry Officer and he was humiliated by the petitioners in several ways. On 10-06-2013 he has requested the disciplinary authority to relieve him from the enquiry proceeding and appoint another Presenting Officer and he was relieved accordingly.

11. RW.4 Thiru Indrajith, Advocate in his evidence deposed that he has conducted common enquiry in respect of the petitioners. One Sayeena Beebi and Karupaiah were shown hostile attitude towards him and the Presenting Officer Thiru Dhamodharan, as such they were forced to come out of the enquiry proceedings. He has submitted a letter, dated 19-06-2013 pointing out the true facts to the Disciplinary Authority and explained his inability to preside enquiry procedures.

12. Thiru Saravanan who was working as Production Supervisor was examined on the respondent side in I.D.(L). No. 05/2015 in his evidence he has deposed that on 05-06-2012 when he was going to the factory the employees of the Medimix Thozhilalargal Sangam has called for a strike. When he was about to enter the factory premises he was prevented by them. At the time, the Police Officers of the Villianur Police Station interfered. The members of the Medimix Thozhilalargal Sangam has also threatened the witness Saravanan and the women workers abused him in filthy language. He has given a complaint to the Factory Manager on 05-06-2012 stating the incidents happened to him.

13. The learned Counsel for the petitioner submits that the petitioners are employees of the respondent management for more than 15 years the respondent management is not in the habit of following the standing orders and the Industrial Disputes Act, 1947. The long term wage revision settlement of the employees expired on 31-12-2009. The Trade Union has submitted the charter of demands. But, the management refused for collective bargaining and has compelled all the workmen for 18(1) settlement individually. The respondent management has also unilaterally increased the production norms without holding negotiations with the workmen or the Trade Union. Since, the petitioners has insisted for wage revision and other benefits the respondent management as a vindictive measure take several actions against the petitioners and other employees. It is further submitted that the respondent management has issued show cause notice, dated 28-12-2012 to the petitioners making allegations that on 05-06-2012, the Medimix Thozhilalargal Sangam has organized the illegal strike and thereby preventing the entry of the employees and they are also stopped to carrying the finished products to the respective

destination by stopping the lorry bearing Registration No. TN 31 F 9959 belongs to Sarath Logistics Company. The petitioners has also raised defamatory slogans against the management and they have also given Television interviews on various dates which caused damage to the goodwill of the management. It was further alleged in the show cause notice that the petitioners and the other workmen on 05-06-2012 after declaring the lockout by the company has stopped the management officials in filthy language and prevented them entering into the company. All the petitioners and other employees on 16-11-2012 went to the house of Saravanan who is the employee and threatened to kill him. Even though, the petitioners has given their reply, dated 12-01-2013 that they were indulged in any illegal activities as against the company. The respondent management without considering the reply has initiated domestic enquiry as against all the petitioners. On the management side Thiru Dhamodharan was appointed as Presenting Officer and Thiru Indrajith, Advocate was appointed as Enquiry Officer.

14. All the petitioners were promptly participated in the domestic enquiry but, the Presenting Officer and the Enquiry Officer on several occasion has not yielded for the request of the petitioners. The respondent management has failed to provide with necessary particulars requested by the petitioners. Moreover, the petitioners denied opportunity when the sought time for the cross-examination of the witnesses. The petitioners has submitted letters, dated 04-05-2013 and 11-05-2013 stating that the management is not co-operating in the domestic enquiry. The petitioners by letter, dated 30-05-2013 informed the Disciplinary Authority that the Enquiry Officer denied the opportunity to the petitioners they have also sent another letter, dated 03-06-2013 that the Enquiry Officer acted in contravention to the principles of natural justice. On the contrary, the Presenting Officer Dhamodaran and the Enquiry Officer Indrajith has sent letter to the Disciplinary Authority by falsely stating that they are humiliated by the irresponsible attitude of the petitioners and they are not inclined to continue as Presenting Officer and Enquiry Officer. The Disciplinary Authority without enquiring into the merits of the contentions made by the Presenting Officer and Enquiry Officer has intimated the petitioners by letter, dated 27-08-2013 and that he is inclined to stop the domestic enquiry and proceed to the next stage. In respect of the representation made by the petitioners on 05-09-2013 to the Disciplinary Authority, he has sent letter, dated 08-11-2013 two show cause notice "why the management should not dismiss the petitioners from service".

15. The learned Counsel for the petitioner submit that without concluding the domestic enquiry and without any adverse remarks as against the petitioners by Enquiry Officer the action of the Disciplinary Authority to stop the domestic enquiry abruptly is certainly against the principles of natural justice. The management ought to have appointed some other Presenting Officer and Enquiry Officer of the domestic enquiry ought to have proceeded with the management when taking any further action for the conduct of domestic enquiry. They have simply closed the enquiry in the middle and imposed the punishment of dismissal, the dismissal order, dated 04-01-2014 was issued to the petitioners and by letter, dated 20-01-2014 they have requested the management to set aside the dismissal order the petitioners has raised industrial dispute before the Conciliation Officer, Labour Department, Puducherry. But, the Conciliation ended in failure by letter, dated 08-12-2014. The Conciliation Officer has given his report to the Secretary to Government, Labour Department, Puducherry.

16. The learned Counsel for the petitioner further submit that on 01-06-2012, the Medimix Thozhilalargal Sangam Union has issued strike notice to the respondent management and the same was received by the Factory Manager on 05-06-2012 demanding recognition of the Trade Union. The production wage revision has to be negotiated with the office bearers of the Trade Union and to recall the false complaints against the employees as such the strike called by the Union cannot be termed as illegal strike. The learned Counsel for the petitioner further submit that ever since of the date of the appointment of the petitioners in the services of the respondent management they were compelled to sign in 18(1) settlement and the respondent management has a vindictive measure as dismissed the president of Medimix Thozhilalargal Sangam Trade Union. The intention of the management to dismiss the members of the Medimix Thozhilalargal Sangam and engaged new workers for less wages in their place. The respondent management all along indulged in issuing show cause notice to the employees to create a negative history about the employees and also the management is in the habit of compelling to admit guilty of the charges against them.

17. The learned Counsel for the petitioner has invited this Court attention to the Judgment of Division Bench of Allahabad High Court in Kotwal Singh Rawat vs. Union of India, 1985 L. & I.C. 80 held "punishment of removal from service on the basis of letter issued by District Magistrate after conclusion of inquiry which was not made available to the delinquent nor brought to his notice during inquiry or even thereafter constituted violation of the principles of natural justice".

18. The learned Counsel for the petitioner further invited this Court attention to the Judgment rendered by Division Bench of Allahabad High Court in *Pashupati Dayal Vs. State of Uttar Pradesh*, 1988 1 S.C.D. 95 held “where in reply to show cause notice, the Government servant submitted his reply and asserted that he was not afforded reasonable opportunity to explain and was denied to cross-examine the witnesses and the statement of the witnesses were changed. The Punishing Authority is bound to decide the allegations raised in the reply and record a finding prior to passing final order”.

19. The learned Counsel for the petitioner has invited the attention of this Court to the Judgment of Allahabad High Court reported in *Ashwani Kumar Suman vs. Uttar Pradesh State Argo Industrial Corporation, Ltd.* 1900(1) LLN 629 “A perusal of the order passed by the; punishing authority indicates that the defence of the petitioner was not considered and no finding was given in spite of the, fact that the petitioner had asserted that he was not afforded reasonable opportunity to explain and the copies of the material documents were not furnished to him. In view of what has been stated herein above, we are of the opinion that the order of dismissal passed against the petitioner cannot be sustained and deserves to be quashed”.

20. The learned Counsel for the petitioner further submit that no reasonable man could have justified the action of the respondent management to dismiss the employee on the basis of past lapses of his part. The management on receipt of the explanation submitted by the petitioner has discharged from the charges after warning. The learned Counsel for the petitioner invited this Court attention to the Judgment of a Division Bench of Honorable Gujarat High Court in *Ashwin N. Acharya V. Okha Port* reported in 1993(2) LLN 544 “we find that the extreme punishment of severance of the employment inflicted on the petitioner in this case is grossly disproportionate to his misconduct arising from his alleged rude behaviour with his fellow-workmen or with his superior officers and more particularly, so, when his apologies were accepted. Different considerations might have arisen if, his apologies were not accepted and the charge-sheet might have come to be issued for his such misconduct of rude behaviour. Once we come to the conclusion that the punishment inflicted on the petitioner is out of proportion, we have only to set aside such punishment”.

21. The learned Counsel for the petitioner submit that the respondent management ought to have adopted reasonable procedure in the domestic enquiry. They have conducted the enquiry with an intention to found

them guilty of misconduct and to remove them from service. The stoppage of the domestic enquiry when reaching its fair end categorically established to intention of the management in this regard. The learned Counsel for the petitioner has invited the attention of this Court to the Judgment of Honorable Karnataka High Court reported in ILR 1994 KAR 2736 in *G.R. Venkateshwara Reddy vs. Karnataka State Road Transport* “The second question is whether an employee is entitled to summon or demand production of documents from the management in a domestic or department enquiry. It is now well settled that the doctrine of natural justice as applied to enquiries consists of the following three principles: (a) No person shall be the Judge of his own cause; (b) No person shall be condemned unheard; and (c) there should not be any procedural unreasonableness in the enquiry. The right to be heard, by following a reasonable procedure in an enquiry necessarily envisages and involves the following, subject to any special provisions relating to procedure in the relevant rules/regulations/standing orders or statute:

(a) the employee shall be informed of the exact charges which he is called upon meet;

(b) he should be given an opportunity to explain any material relied on by the management to prove the charges;

(c) the evidence of the management witness should be recorded in the presence of the delinquent employee and he should be given an opportunity to cross-examine such witnesses;

(d) the delinquent employee shall either be furnished with copies of the documents relied on by the management or be permitted to have adequate inspection of the documents relied on by the management;

(e) the delinquent employee should be given the opportunity to produce relevant evidence – both documentary and oral which include the right to examine self and other witnesses; and to call for relevant and material document in the custody of the employer;

(f) whenever the Enquiring Authority is different from Disciplinary Authority, the delinquent employee shall be furnished with a copy of the enquiry report and be permitted to make a representation to the Disciplinary Authority against the findings recorded in the enquiry report.

22. The learned Counsel for the petitioner submit that to victimize the active members of the Medimix Thozilalargal Sangam Trade Union, the respondent has

inflicted the punishment of dismissal from service. The petitioner were serving the respondent management for more than 15 years and they have lost their youth at present they have suffering even for a square meal and without any job. The punishment imposed by the respondent management is grossly disproportionate to the charges levelled against the petitioner. The learned Counsel for the petitioners submit that the petitioners are order to be reinstated with full back wages and other benefits.

23. The learned Counsel for the respondent submit that the management has given charge-sheet, dated 28-12-2012 to all the petitioners for various misconduct alleged to have committed by them on 05-06-2012 and consequent days. The petitioners were submitted their explanation on 12-01-2013 denying the allegations. The respondent management has arranged for a domestic enquiry for which Mr. K. Indhrajith was appointed as Enquiry Officer (EO). All the petitioners were given sufficient opportunity and the enquiry was conducted in accordance with law and by following the principles of natural justice. The petitioners exhibited hostile attitude towards the Presenting Officer Thiru Dhamodaran and Enquiry Officer Thiru K. Indhrajith. The Presenting Officer Dhamodaran has written a letter to the Disciplinary Authority stating his inability to participate in the enquiry as Presenting Officer. On 19-06-2013 Indhrajith has addressed the Disciplinary Authority by expressing his non-inclination to conduct the enquiry since he was humiliated by the baseless allegations levelled against him by the petitioners. The learned Counsel for the respondent further submit that the petitioners were earlier abstained from work for which memo was issued by the respondent management and since, the petitioners admitted guilty and submit apology they were reprimanded by letter, dated 20-01-2009 and no further disciplinary action was taken against them.

24. By issuing notice, dated 10-07-2013, the management directed the petitioners to show cause as to why the domestic enquiry should not be stopped and punishment to be imposed on the petitioners. The respondent by letter, dated 27-08-2013 stopped the domestic enquiry and proceeded to the next stage. Having considered the submissions made by the petitioners on 05-09-2013 the Disciplinary Authority has issued notice, dated 08-11-2013 to show cause as to why the proposed punishment of dismissal from service should not be inflicted upon the petitioners. At last, the management has lost faith in the petitioner and has passed order of dismissal to all the petitioners on 04-01-2014. The management has also given suitable reply before the Conciliation Officer with whom the petitioners have raised an industrial dispute. Since,

the conciliation failed the Conciliation Officer has sent report, dated 08-12-2014 to the Secretary to Government, Labour Department, Puducherry.

25. The respondent management submit that this Court has decided the validity of the domestic enquiry by raising preliminary issue and passed common Preliminary Award, dated 08-08-2017. In the said Award, this Court held the domestic enquiry conducted by respondent management against the petitioners are invalid. In fact, the enquiry could not be completed due to the irresponsible attitude of the petitioners and due to circumstances as beyond the control of the management. The learned Counsel for the respondent has invited the attention of this Court to the Judgment of Hon'ble Apex Court in Kurukshetra University vs. Prithvi Singh (2018), Supreme Court cases (L & S) 749. It was held where termination "The legal position in our view, is succinctly explained by this Court (two-Judge bench) in Delhi Cloth and General Mills Co. vs. Ludh Budh Singh, in Propositions 4, 5 and 6 in the following words: when a domestic enquiry has been held by the management and the management relies on the same, it is open to the latter to request the Tribunal to try the validity of the domestic enquiry as a preliminary issue and also ask for an opportunity to adduce evidence before the Tribunal, if, the finding on the preliminary issue is against the management. However, elaborate and cumbersome the procedure may be, under such circumstances, it is open to the Tribunal to deal, in the first instance, as a preliminary issue, the validity of the domestic enquiry. If, its finding on the preliminary issue is in favour of the management, then no additional evidence need be cited by the management. But, if, the finding on the preliminary issue is against the management, the Tribunal will have to give the employer an opportunity to cite additional evidence and also give a similar opportunity to the employee to lead evidence contra, as the request to adduce evidence had been made by the management to the Tribunal during the course of the proceedings and before the trial has come to and end. When the preliminary issue is decided against the management and the latter leads evidence before the Tribunal, the position, under such circumstances, will be, that the management is deprived of the benefit of having the finding of the domestic Tribunal being accepted as *prima facie* proof of the alleged misconduct. On the other hand, the management will have to prove, by adducing proper evidence, that the workman is guilty of misconduct and that the action taken by it is proper. It will not be just and fair either to the management or to the workman that the Tribunal should refuse to take evidence and thereby ask the management to make a further application, after holding

a proper enquiry, and deprive the workman of the benefit of the Tribunal itself being satisfied, on evidence adduced before it, that he was or was not guilty of the alleged misconduct”.

26. The learned Counsel for the respondent has further invited the attention of this Court to the Judgment of Hon'ble Apex Court reported in Union of India vs. Tulsi Ram Patel reported in CDJ 1985 SC 161 in which the Hon'ble Apex Court held “charged official can be dismissed without conducting enquiry when the conducting of enquiry is not practicable”.

27. The factory Manager Thiru Lucas, occurrence witness Thiru P. Sundar, Presenting Officer Thiru Damodaran, Enquiry Officer Thiru Indrajith were adduced independent evidence to prove the misconduct of the petitioners.

28. The learned Counsel for the respondent further submit that it is the bounden duty of the Court to scrutinize the evidence let in by the management and adjudicate on the basis of available evidence, the Courts cannot simply order reinstatement stating that no disciplinary enquiry was held. Our Hon'ble High Court in the case of GMM Company Ltd. Madras vs. Labour Court (II Additional Judge) Madras, 2002 (2) LLN 730 wherein, our Hon'ble High Court held “The Labour Court though mentioned both the parties have let in oral and documentary evidence failed to discuss the same before reaching its conclusion of the order of reinstatement. The Labour Court did not even whisper that the petition under S.11A of the Industrial Disputes Act has been filed by the management, which was allowed and consequently evidences were let in by the management of Court by the workman also. Though, the Labour Court discussed some of the documents and come to the conclusion that the order of termination passed by the management without holding any enquiry as if, no petition under S. 11A of the Act has been filed by the management. Once the petition under S.11A was allowed and evidences were let in by the parties, the bounden duty of the Labour Court is to scrutinize the same and adjudicate upon the basis of such evidence. In this case, the Labour Court failed to scrutinize and adjudicate upon the evidence let in before it”.

29. The past performance and past conduct of the petitioners was not clean for the charges framed against petitioner Madhiyarasi in the charge-sheet, dated 28-03-1996. She has tendered pardon and felt sorry for her misconduct she was given a warning letter, dated 20-01-2009 Tmt. Thiruselvi was charge-sheeted on 28-03-1996, she was admitted the guilt and tendered pardon. The respondent accepted the same and issued warning letter, dated 19-02-2013. Likewise, the

petitioners Muniyammal, P. Karupaiya and P. Sunil Kumar were issued charges and they were given warning letter, dated 19-02-2013. While imposing punishment, the respondent is at liberty to consider the previous conduct of the petitioner. The attention of this Court to the Judgment of our Hon'ble High Court in Engine Valves Ltd., Madras vs. Labour Court Madras, 1991 (1) LLN 268 “we are of the view that the Standing Order in question is in the nature of an enabling provision casting an unilateral obligation on the concerned authority to take into account, the previous record with no further duty or a corresponding right in favour of the employee to either insist upon the issue of a second show cause notice and an opportunity or consideration by a detailed discussion of the materials contained in such previous record. The factual reference in the Order to the consideration having been made of the previous record, in our view constitutes sufficient compliance with the requirements of the Standing Order in question and the grievance made about the non-consideration of past record of service before the Labour Court as well as the learned single Judge and which found their acceptance is wholly unjustified and unwarranted. The nature of the consideration that is required could be indicative of the manner in which it requires to be considered. In the light of the ratio of the Apex Court that it is meant to be for the unilateral consideration of the Authority, we are obliged to conclude that the manner of consideration of the past record adopted in the case on hand constitutes sufficient consideration as well as compliance with the Standing Order in question and the order of punishment could not be said to have been vitiated on this account”.

30. The learned Counsel for the respondent submit that even when the past misconduct of the employee is condoned by acceptance of his apology it cannot be the basis for discharge from service by way of punishment is the argument advanced by the Counsel for the petitioner which is not correct to the facts of the present case. The petitioners were charge sheeted for commission of fresh misconduct. The past misconducts were identified and submitted before this Court only to strengthen the action taken by the respondent. It is further submitted the respondent after considering all the fact and circumstances and also the representations made by the petitioners has lost faith with the petitioners and has passed final orders which need not be interfered with and prayed for dismissal of the claim made by the petitioners.

31. This Court has carefully considered the rival submissions made by both sides learned Counsels. This Court has perused the evidence adduced on both sides

and also the exhibits marked as both sides. This Court has passed Common Preliminary Award in respect of the preliminary issue as to whether the domestic enquiry conducted by the respondent management is valid. After hearing both sides, this Court has held that the domestic enquiry held against the petitioners is invalid. After the passing of the Preliminary Award both the parties were permitted to lead evidence and permitted to marked as respective documents.

32. All the petitioners were served with charge-sheet, dated 28-12-2012 alleging various imputations that on 05-06-2012 they were engaged in illegal strike and prevented the entry of employees and has caused loss for the production and ultimately result in loss to the company. They have also stopped the lorry belongs to Sarath Logistics Company bearing Regn. No. TN 31 F 9959 on 05-06-2012 all the petitioners were raised defamatory slogans as against the management and they have also given Television interviews and issued pamphlets and pasted posters against the management which caused severe damage to the goodwill of the management. On 05-06-2012 after declaring lockout when the managerial person were in the company they were stopped by the petitioners and were scolded in abusive language. The petitioners have also threatened the co-employee Mr. Saravanan at his house. The acts of the petitioners are misconducts as per the Standing Orders of the company and they were directed to furnish the reply as to why disciplinary action should not be initiated against them. All the petitioners were given their individual reply, dated 12-01-2013 by denying all the charges. They have also further denied that since lockout was declared on 05-06-2012 there is no possibility to be present at the company premises on 06-06-2012 or on the subsequent dates.

33. To prove the correctness of the charges, the respondent management has appointed Thiru Indrajith a practicing Lawyer as Enquiry Officer. Thiru Dhamodharan was appointed as Presenting Officer. The domestic enquiry was conducted by the Enquiry Officer on various dates. In the said enquiry on the Department side Thiru Muthuramalingam and Lourdusamy were examined in chief and further cross-examined, the proceedings of the chief and cross-examination were marked as exhibits on the respondent side. On the petitioner side they have addressed the Enquiry Officer by letter, dated 04-05-2013 that the management representative and Thiru Muthuramalingam the management witness were not cooperating for the Departmental Enquiry. The petitioners have also made another representation to the Enquiry Officer that they were provided with proper opportunity to establish their case. On 13-06-2013, the petitioner have make an appeal

to the Disciplinary Authority that the Enquiry Officer denied the opportunities to the petitioners. The petitioners have also addressed the Disciplinary Authority stating that the Enquiry Officer acted in contravention to the principles of natural justice and also the Enquiry Officer is acted in favour of the management.

34. On the management side, the enquiry was stopped in the middle based on the letter addressed by the Presenting Officer Thiru Dhamodaran on 10-06-2013 that the petitioners are raising serious objections for each and everything and they have shown a indifferent attitude and they have also scolded Presenting Officer that he is doing "Broker work". The Enquiry Officer Thiru Indrajith has also sent letter, dated 19-06-2013 that he could not proceed that domestic enquiry and requested for appointment of another Enquiry Officer. On the management side they have not taken any steps for the continuation of the domestic enquiry and issued show cause notice, dated 10-07-2013 to show cause as to why the domestic enquiry should not be stopped and imposed punishment. All the petitioners individually submitted their reply, dated 11-07-2013 by stating that they are ready and willing to prove their case. However, the Disciplinary Authority intimated the petitioner by letter, dated 27-08-2013 that the domestic enquiry was stopped and proceeded with next stage on 08-11-2013. The petitioners were given notice about the proposed dismissal from service and show cause as to why punishment should not be inflicted upon them. The respondent management has issued dismissal order, dated 04-01-2014 stating that the respondent has lost faith and confidence with the petitioners and if, they are not relieved from the service of the company, the respondent would face unbearable loss.

35. On the respondent side, the evidence adduced by the witness in the domestic enquiry were marked as exhibits and copy of the proceedings of the Enquiry Officer is also marked as exhibits. On the respondent side the respondent witnesses Thiruvalargal Lucas, Dhamodharan admitted the fact that the domestic enquiry was stopped in the middle. The evidence of the Enquiry Officer Thiru Indrajith also confirmed the fact that enquiry was not completed. In a case where termination from service is the punishment for the charges of misconduct sufficient opportunity should be given to the dismissed employee to prove his case. The respondent without affording opportunities to the petitioners has abruptly stopped the domestic enquiry in the midway and straight away imposed punishment on the petitioners. In the absence of any finding by the Enquiry Officer imposition of the punishment certainly not in accordance with law and the principles of natural justice.

36. The longterm wage revision settlement was expired on 31-12-2009 the Trade Union submitted charter of demand and the management refused for collective bargaining of the employee were signed individually in the 18(1) settlement is an admitted fact. It is contended on the petitioner side that 23 employees were worked inside the company and the managerial persons were also present in the company on 05-06-2012 from 08.18 hours to 18.37 hours which can be proved from the staff attendance produced on the petitioner side. On the petitioner side it is contended that the Medimix Thozhilalargal Sangam Trade Union is called for a strike against the management and has issued registered notice to respondent on 01-06-2012 and the same was received by Thiru Lucas on 05-06-2012 at 01.20 p.m. as such it is clear that the Medimix Thozhilalargal Sangam Trade Union has given notice beforehand to the respondent. Immediately the respondent management has given lockout notice, dated 05-06-2012 addressed to the Secretary, Medimix Thozhilalargal Sangam Trade Union.

37. The respondent has stated in the dismissal order, dated 04-01-2014 that they have lost confidence with the petitioners. From the evidence of Thiruvalargal Lucas and Dhamodaran it is clear that the Police belongs to Villianur Police Station was present at the entry gate of the company. As such stopping the employees from attending the company only have remote possibility. Moreover, from the evidence of the petitioner side it is clear that 23 employees were attended duty on 05-06-2012 and the managerial persons were also present for the full day. The respondent has not filed any complaint received from the Driver of the lorry bearing Regn. No. TN 31 F 9959. Even though, the respondent management has charged the petitioners for giving Television interviews and issuance of pamphlets and pasting posters, no such Television interviews was brought before this Court and no posters and pamphlets were marked as exhibits. There is no Police complaint registered against the petitioners for the alleged filthy language used by the petitioners against the management officials. The charges made by the respondent against the petitioners is bereft of details.

38. The loss of confidence and faith can only be established through the objective facts that leads to a definite inference that the conduct of the employees made an apprehension in the mind of the employer that further continuance of the employee in the services of the company would be detrimental to the interest of the company. Our Hon'ble Apex Court in *Kanhaiyalal Agrawal v. Gwalior Sugar Co. Ltd.*, "this Court laid down the test for loss of confidence to find out as to whether there was *bona fide* loss of confidence in the employee,

observing that, (See p.614), para 9) (i) the workman is holding the position of trust and confidence; (ii) by abusing such position, he commits an act which results in forfeiting the same; and (iii) to continue him in service/establishment would be embarrassing and inconvenient to the employer, or would be detrimental to the discipline or security of the establishment. Loss of confidence cannot be subjective, based upon the mind of the management. Objective facts which would lead to a definite inference of apprehension in the mind of the management, regarding trustworthiness or reliability of the employee, must be alleged and proved".

39. Our Hon'ble Apex Court in *Kamalakeshore Laxman vs. Management of Pan America World Airways Inc* AIR 1987 SC 229 "of course, if, no disciplinary enquiry is held, and the management is unable to justify to the Court that their loss of confidence in the worker was best of objective grounds the dismissal of worker can be set aside".

40. The Management failed to establish that due to the conduct of the petitioners there was decrease in production which caused loss to the management. This Court is of the further opinion that the order of termination of service issued by the respondent management was with a view to victimize the petitioners who are the members of the Medimix Thozhilalargal Sangam Trade Union.

41. This Court is of the further opinion that dismissal order, dated 04-01-2014 by the Disciplinary Authority was not passed in accordance with the established principles of law and not followed the principles of natural justice. Hence, the order of dismissal passed by the Disciplinary Authority on 04-01-2014 is liable to be set aside.

42. The petitioners are working in the respondent management for more than 15 years and they are not in gainfull employment elsewhere till date. The respondent has also not proved that the petitioners are in gainful employment from the date of termination of the services. This Court is of the considered opinion that the petitioners are not guilty of any misconduct and the charges levelled against them are false in nature. This Court is also considered that right to life enshrined in Article 21 of the Constitution is to live with all human dignity. The prudent man can easily presume that an employee without any employment and salary for quite a long time cannot lead a decent and dignified life. The non-employment of the petitioners is not justifiable at any rate. It is just and necessary to order for the reinstatement of the petitioners in the services of the respondent management.

43. In the result, the claim petitions are partly allowed. The respondent is directed to reinstate all the petitioners with all attending benefits. The petitioners are entitled to receive 2/3rd of the back wages from the date of their termination. The respondent management is directed to reinstate the petitioners and pay their 2/3rd of back wages within the period of six weeks from the date of this order. No costs.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court, on this the 15 th day of September, 2021.

R. BHARANIDHARAN,
Presiding Officer,
Industrial Tribunal-*cum*-
Labour Court, Puducherry.

I.D (L) No. 04/2015

List of petitioner's witness:

PW.1 — 15-02-2016 Mathiyarasi

List of petitioner's exhibits:

Ex.P1 — 28-12-2012 Letter regarding call for explanation letter sent by the Disciplinary Authority to the petitioner Madhiyarasi.

Ex.P2 — 12-01-2013 Copy of the reply given by the petitioner Madhiyarasi to the letter sent by the Disciplinary Authority.

Ex.P3 — 04-05-2013 Copy of the letter given by the petitioners to the Disciplinary Authority.

Ex.P4 — 11-05-2013 Copy of the letter sent through registered post by the petitioners to the Disciplinary Authority.

Ex.P5 — 30-05-2013 Copy of the letter sent through registered post by the petitioners to the Disciplinary Authority and its Acknowledgment Card copy.

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Ex.P13 — 08-11-2013 Notice of punishment to be proposed sent by the Disciplinary Authority to the petitioner Madhiyarasi.

Ex.P14 — 18-11-2013 Copy of the reply given by the petitioner Madhiyarasi to the notice of Disciplinary Authority.

Ex.P15 — 04-01-2014 Dismissal order given by the Disciplinary Authority to the petitioner Madhiyarasi.

Ex.P16 — 20-01-2014 Requisition to withdraw the termination submitted by the petitioner Madhiyarasi.

Ex.P17 — 17-03-2014 Petition filed under section 2A of ID Act by the petitioner Madhiyarasi.

Ex.P18 — 16-05-2014 Reply given by the respondent management to the Labour Officer (Conciliation).

Ex.P19 — 30-05-2014 Copy of the reply given by the petitioner Madhiyarasi to the reply of respondent management.

Ex.P20 — 08-12-2014 Failure report submitted by the Labour Officer (Conciliation) to the Secretary to Government, Puducherry.

- Ex.P21 — 05-06-2012 Signature of RW.1 found in the Acknowledgment Card.
- Ex.P22 — 04-06-2012 Copy of the Staffs & Attendance Register.
05-06-2012
- Ex.P23 — 05-06-2012 Copy of the Affixed Notice (Lockout).

List of respondent's witnesses:

- RW1 — 11-01-2018 E.M.I.D. Lucas
- RW2 — 28-02-2018 P. Sundar
- RW3 — 07-03-2018 G. Dhamodharan
- RW4 — 04-05-2018 K. Indrajith

List of respondent's exhibits:

- Ex.R1 — 31-12-2008 Show Cause notice sent by M/s. AVA Cholayil Health Care Pvt. Ltd., to G. Madhiyarasi.
- Ex.R2 — 09-01-2009 Admission letter submitted by G. Madhiyarasi to M/s. AVA Cholayil Health Care Pvt. Ltd.
- Ex.R3 — 04-01-2014 Punishment Order sent by M/s. AVA Cholayil Health Care Pvt. Ltd., to G. Madhiyarasi.
- Ex.R4 — Letter to admission submitted by G. Madhiyarasi to M/s. AVA Cholayil Health Care Pvt. Ltd., for the Charge-Sheet, dated 28-03-1996.
- Ex.R5 — 20-01-2009 Warning letter sent by M/s. AVA Cholayil Health Care Pvt. Ltd., to G. Madhiyarasi.
- Ex.R6 — 10-06-2013 Copy of letter submitted by the Presenting Officer, Mr. G.T. Dhamodharan to the respondent.
- Ex.R7 — 19-06-2013 Copy of letter, dated 19-06-2013 submitted by the Enquiry Officer Mr. K. Indrajith to the respondent.
- Ex.R8 — 05-06-2012 Complaint given by P. Sundar against the Striking Workmen to the Management.

- Ex.R9 — 08-06-2012 Copy of complaint given by S. Muthuramalingam to the Factory Manager.
- Ex.R10 — 08-06-2012 Copy of complaint given by S. Lourdusamy to the Factory Manager.
- Ex.R11 — 26-03-2013 Copy of deposition of S. Muthuramalingam in Chief Examination (Proof Affidavit) before the Enquiry Officer.
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- Ex.R15 — Copy of the Proceedings of the Enquiry Officer Thiru K. Indrajith in the domestic enquiry into charges levelled against the petitioner and 5 other co-workers.

I.D (L) No. 05/2015

List of petitioner's witness:

- PW.1 — 15-02-2016 Thiruselvi

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Ex.P23 — 05-06-2012 Copy of Affixed Notice (Lockout).

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RW1 — 11-01-2018 E.M.I.D. Lucas

RW2 — 28-02-2018 K. Saravanan

RW3 — 28-02-2018 P. Sundar

RW4 — 07-03-2018 G. Dhamodharan

RW5 — 04-05-2018 K. Indrajith

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I.D (L) No. 06/2015*List of petitioner's witness:*

PW1 — 15-02-2016 Muniammal

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- Ex.R5 — 20-01-2009 Warning letter sent by M/s. AVA Cholayil Health Care Pvt. Ltd., to M. Muniammal.
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- Ex.R7 — 19-06-2013 Copy of letter submitted by the Enquiry Officer Mr. K. Indrajith to the respondent.
- Ex.R8 — 05-06-2012 Complaint given by P. Sundar against the Striking Workmen to the Management.
- Ex.R9 — 08-06-2012 Copy of complaint given by S. Muthuramalingam to the Factory Manager.
- Ex.R10 — 08-06-2012 Copy of complaint given by S. Lourdusamy to the Factory Manager.
- Ex.R11 — 26-03-2013 Copy of deposition of S. Muthuramalingam in Chief Examination (Proof Affidavit) before the Enquiry Officer.
- Ex.R12 — 04-05-2013 Copy of deposition of S. Lourdusamy in Chief Examination (Proof Affidavit) before the Enquiry Officer.

- Ex.R13 — Copy of deposition of S. Muthuramalingam in Cross-Examination before the Enquiry Officer Thiru K. Indrajith.
- Ex.R14 — Copy of deposition of S. Lourdusamy in Cross Examination before the Enquiry Officer Thiru K. Indrajith.
- Ex.R15 — Copy of the Proceedings of the Enquiry Officer Thiru K. Indrajith in the domestic enquiry into charges levelled against the petitioner and 5 other co-workers.

I.D (L) No. 07/2015*List of petitioner's witness:*

- PW.1 — 15-02-2016 C. Karuppaiah

List of petitioner's exhibits:

- Ex.P1 28-12-2012 Letter regarding call for explanation letter sent by the Disciplinary Authority to the petitioner Karuppaiah.
- Ex.P2 — 12-01-2013 Copy of the reply given by the petitioner Karuppaiah to the letter sent by the Disciplinary Authority.
- Ex.P3 — 04-05-2013 Copy of the letter given by the petitioners to the Disciplinary Authority.
- Ex.P4 — 11-05-2013 Copy of the letter sent through registered post by the petitioners to the Disciplinary Authority.
- Ex.P5 — 30-05-2013 Copy of the letter sent through registered post by the petitioners to the Disciplinary Authority and its Acknowledgment Card copy.
- Ex.P6 — 03-06-2013 Copy of the letter given by the petitioners to the Disciplinary Authority.

- Ex.P7 — 13-06-2013 Copy of the letter sent through registered post by the petitioners to the Disciplinary Authority.
- Ex.P8 — 02-03-2013 Copy of the Enquiry proceedings.
to
17-06-2013
- Ex.P9 — 10-07-2013 Copy of letter regarding all for explanation sent by the Disciplinary Authority to the petitioner Karuppaiah.
- Ex.P10 — 25-07-2013 Copy of the letter sent by the petitioner Karuppaiah to the Disciplinary Authority.
- Ex.P11 — 27-08-2013 Show cause notice sent by the respondent management to the petitioner Karuppaiah.
- Ex.P12 — 05-09-2013 Copy of the reply given by the petitioner Karuppaiah to the letter, dated 27-08-2013 of Disciplinary Authority.
- Ex.P13 — 08-11-2013 Notice of punishment to be proposed sent by the Disciplinary Authority to the petitioner Karuppaiah.
- Ex.P14 — 18-11-2013 Copy of the reply given by the petitioner Karuppaiah to the notice of Disciplinary Authority.
- Ex.P15 — 04-01-2014 Dismissal order given by the Disciplinary Authority to the petitioner Karuppaiah.
- Ex.P16 — 20-01-2014 Requisition to withdraw the termination submitted by the petitioner Karuppaiah.
- Ex.P17 — 17-03-2014 Petition filed under section 2A of ID Act by the petitioner Karuppaiah.
- Ex.P18 — 16-05-2014 Reply given by the respondent management to the Labour Officer (Conciliation).
- Ex.P19 — 30-05-2014 Copy of the reply given by the petitioner Karuppaiah to the reply of respondent management.

- Ex.P20 — 08-12-2014 Failure report submitted by the Labour Officer (Conciliation) to the Secretary to Government, Puducherry.
- Ex.P21 — 05-06-2012 Signature of RW.1 found in the Acknowledgment Card.
- Ex.P22 — 04-06-2012 Copy of the Staffs & Attendance Register.
05-06-2016
- Ex.P23 — 05-06-2012 Copy of Affixed Notice (Lockout).

List of respondent's witnesses:

- RW1 — 11-01-2018 E.M.I.D. Lucas
- RW2 — 28-02-2018 P. Sundar
- RW3 — 07-03-2018 G. Dhamodharan
- RW4 — 04-05-2018 K. Indrajith

List of respondent's exhibits:

- Ex.R1 — 04-01-2014 Punishment Order sent by Mis. AVA Cholleyil Health Care Pvt. Ltd., to Karuppaiah.
- Ex.R2 — 26-02-2010 Report by Enquiry Officer, Advocate K. Velmurugan in the charge-sheet, dated 31-12-2008 by AVA Cholleyil Health Care Pvt. Ltd., to Karuppaiah.
- Ex.R3 — 26-02-2010 Copy of Enquiry Report by the Enquiry Officer K. Velmurugan.
- Ex.R4 — 10-06-2013 Copy of letter submitted by the Presenting Officer, Mr. G.T. Dhamotharan to the respondent.
- Ex.R5 — 19-06-2013 Copy of letter submitted by the Enquiry Officer Mr. K. Indrajith to the respondent.
- Ex.R6 — 05-06-2012 Complaint given by P. Sundar against the Striking Workmen to the Management.
- Ex.R7 — 08-06-2012 Copy of complaint given by S. Muthuramalingam to the Factory Manager.

- Ex.R8 — 08-06-2012 Copy of complaint given by S. Lourdusamy to the Factory Manager.
- Ex.R9 — 26-03-2013 Copy of deposition of S. Muthuramalingam in Chief Examination (Proof Affidavit) before the Enquiry Officer.
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- Ex.R13 — Copy of the Proceedings of the Enquiry Officer Thiru K. Indrajith in the domestic enquiry into charges levelled against the petitioner and 5 other co-workers.

I.D (L) No. 10/2015

List of petitioner's witness:

- PW1 — 15-02-2016 Sunil Kumar

List of petitioner's exhibits:

- Ex.P1 — 28-12-2012 Letter regarding call for explanation letter sent by the Disciplinary Authority to the petitioner Sunil Kumar.
- Ex.P2 — 12-01-2013 Copy of the reply given by the petitioner Sunil Kumar to the letter sent by the Disciplinary Authority.
- Ex.P3 — 04-05-2013 Copy of the letter given by the petitioners to the Disciplinary Authority.

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| <p>Ex.P4 — 11-05-2013 Copy of the letter sent through registered post by the petitioners to the Disciplinary Authority.</p> <p>Ex.P5 — 30-05-2013 Copy of the letter sent through registered post by the petitioners to the Disciplinary Authority and its Acknowledgment Card copy.</p> <p>Ex.P6 — 03-06-2013 Copy of the letter given by the petitioners to the Disciplinary Authority.</p> <p>Ex.P7 — 13-06-2013 Copy of the letter sent through registered post by the petitioners to the Disciplinary Authority.</p> <p>Ex.P8 — 02-03-2013 Copy of the Enquiry to proceedings.
17-06-2013</p> <p>Ex.P9 — 10-07-2013 Copy of the letter regarding all for explanation sent by the Disciplinary Authority to the petitioner Sunil Kumar.</p> <p>Ex.P10 — 25-07-2013 Copy of the letter sent by the petitioner Sunil Kumar to the Disciplinary Authority.</p> <p>Ex.P11 — 27-08-2013 Show cause notice sent by the respondent management to the petitioner Sunil Kumar.</p> <p>Ex.P12 — 05-09-2013 Copy of the reply given by the petitioner Sunil Kumar to the letter, dated 27-08-2013 of Disciplinary Authority.</p> <p>Ex.P13 — 08-11-2013 Notice of punishment to be proposed sent by the Disciplinary Authority to the petitioner Sunil Kumar.</p> <p>Ex.P14 — 18-11-2013 Copy of the reply given by the petitioner Sunil Kumar to the notice of Disciplinary Authority.</p> <p>Ex.P15 — 04-01-2014 Dismissal order given by the Disciplinary Authority to the petitioner Sunil Kumar.</p> | <p>Ex.P16 — 20-01-2014 Requisition to withdraw the termination submitted by the petitioner Sunil Kumar.</p> <p>Ex.P17 — 17-03-2014 Petition filed under section 2A of ID Act by the petitioner Sunil Kumar.</p> <p>Ex.P18 — 16-05-2014 Reply given by the respondent management to the Labour Officer (Conciliation).</p> <p>Ex.P19 — 30-05-2014 Copy of the reply given by the petitioner Sunil Kumar to the reply of respondent management.</p> <p>Ex.P20 — 08-12-2014 Failure report submitted by the Labour Officer (Conciliation) to the Secretary to Government, Puducherry.</p> <p>Ex.P21 — 05-06-2012 Signature of RW.1 found in the Acknowledgment Card.</p> <p>Ex.P22 — 04-06-2012 Copy of the Staffs & Attendance Register.
05-06-2012</p> <p>Ex.P23 — 05-06-2012 Copy of Affixed Notice (Lockout).</p> <p><i>List of respondent's witnesses:</i></p> <p>RW1 — 11-01-2018 E.M.I.D. Lucas</p> <p>RW2 — 28-02-2018 P. Sundar</p> <p>RW3 — 07-03-2018 G. Dhamodharan</p> <p>RW4 — 04-05-2018 K. Indrajith</p> <p><i>List of petitioner's exhibits:</i></p> <p>Ex.R1 — 04-01-2014 Punishment Order sent by M/s. AVA Cholayil Health Care Pvt. Ltd., to Sunil Kumar.</p> <p>Ex.R2 — 26-02-2010 Report by Enquiry Officer, Advocate K. Velmurugan in the Charge-sheet, dated 31-12-2008 by AVA Cholayil Health Care Pvt. Ltd., to Sunil Kumar.</p> <p>Ex.R3 — 26-02-2010 Copy of Enquiry Report by the Enquiry Officer K. Velmurugan.</p> |
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- Ex.R4 — 10-06-2013 Copy of letter submitted by the Presenting Officer, Mr. G.T. Dhamotharan to the respondent.
- Ex.R5 — 19-06-2013 Copy of letter submitted by the Enquiry Officer Mr. K. Indrajith to the respondent.
- Ex.R6 — 05-06-2012 Complaint given by P. Sundar against the Striking Workmen to the Management.
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- Ex.R12 — Copy of deposition of S. Lourdusamy in Cross-Examination before the Enquiry Officer Thiru K. Indrajith.
- Ex.R13 — Copy of the Proceedings of the Enquiry Officer Thiru K. Indrajith in the Domestic Enquiry into charges levelled against the petitioner and 5 other co-workers.

R. BHARANIDHARAN,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

GOVERNMENT OF PUDUCHERRY
COLLECTORATE
KARAIKAL

No. DCK/A1/FGR45/2021-22.

Karaikal, the 27th October 2021.

ORDER

In terms of section 6(1) of the Sexual Harassment of Women at Work place (Prevention, Prohibition and Redressal) Act, 2013. Local Complaints Committee is constituted in Karaikal District to receive complaints of sexual harassment from establishments where the Internal Complaints Committee has not been constituted due to having less than ten workers or if, the complaint is against the employer himself.

1. Tmt. G. Latha Mangeshkar, . . . Chairperson
Joint Director, Department of
Animal Husbandry and Animal
Welfare, Karaikal.
2. Tmt. G. Suriya, . . . Member
Assistant Community Organizer,
Karaikal Municipality.
3. Tmt. J. Indira Devi, B.SC.,B.L., . . . Member
Advocate, 15, Nehru Street,
Karaikal.
4. Tmt. Buvaneswari, Secretary, . . . Member
Village Beneficiaries Education
and Development Society (VBEDS),
92, Yadaval Street, Poovam,
Karaikal.
5. Tmt. P. Sathya, . . . Member
Child Development Project
Officer, Karaikal.

The Members will hold office for three years from their appointment/Transfer/Retirement whichever is earlier.

ARJUN SHARMA, I.A.S.,
District Collector-cum-District Officer.

புதுச்சேரி அரசு

இந்து சமய நிறுவனங்கள் மற்றும் வக்ஃபு துறை

[அரசு ஆணை பலவகை எண் 14/இசநி./கோ.3/2021-449,
புதுச்சேரி, நாள் 2021, 14/10/2021 நவம்பர் மீ, 22 ௨.]

ஆணை

புதுச்சேரி மாநிலம், புதுச்சேரி வட்டாரம், உழவர்கரை நகராட்சி, கருவடிக்குப்பம், அருள்மிகு கருமுத்துமாரியம்மன் தேவஸ்தானத்தை நிர்வகிக்கும் பொருட்டு அரசு ஆணை பலவகை எண் 51/இசநி./கோ.3/2018, நாள் 29-03-2018-ன் மூலம் அமைக்கப்பட்ட அறங்காவலர் வாரியத்தால் நிர்வகிக்கப்பட்டு வருகிறது. இவ்வறங்காவலர் வாரியத்தின் பதவிக்காலம் முடிவடைந்துவிட்டது.