



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. 91/Lab./AIL/T/2021,
Puducherry, dated 27th December 2021)

NOTIFICATION

Whereas, an Award in I.D (L) No. 21/2020, dated 17-11-2021 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the Industrial Dispute between Management of M/s. Solara Active Pharma Sciences Limited, Periyakalpet, Puducherry, and Union workmen represented by Illanthalaivar Ragul Gandhi Puducherry Shasun Thozhilalargal Nala Sangam, Periyakalpet, Puducherry, over unfair practice 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 17th day of November 2021.

I.D. (L) No. 21/2020

in

CNR. No. PYPY060000552020

The President,
Illanthalaivar Ragul Gandhi Puducherry
Shasun Thozhilalargal Nala Sangam,
No. 110, Murugan Koil Street,
Periyakalpet,
Puducherry. . . Petitioner

Versus

The Managing Director,
M/s. Solara Active Pharma Sciences Limited,
R.S. No. 33 and 34, Mathur Road,
Periyakalpet,
Puducherry. . . Respondent

This Industrial Dispute coming on this day before me for hearing, in the presence of Thiruvalargal S. Kathirvel, R. Lakshmanan, B. Sendhil and P. Seetharaman, Counsels for the petitioner and Thiru N. Devadass, Counsel for the respondent upon perusing the records, this Court passed the following:

AWARD

This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 110/AIL/Lab./T/2020, dated 05-11-2020 of the Labour Department, Puducherry, to resolve the following dispute between the petitioner and the respondent *viz.*,-

(i) Whether the dispute raised by the Union workmen represented by Illanthalaivar Ragul Gandhi Puducherry Shasun Thozhilalargal Nala Sangam, Periyakalpet, Puducherry, against the management of M/s. Solara Active Pharma Sciences Limited, Periyakalpet, Puducherry, over unfair labour practice is justified or not? If justified, what relief the Union workmen are entitled to?

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

2. Today, when the case came up for hearing, petitioner called absent. Respondent Counsel present. Claim statement not filed for several hearings. Petitioner called absent. No representation. Hence, the petition is dismissed for non-prosecution.

Written and pronounced by me in the open Court, on this 17th day of November, 2021.

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

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 92/Lab./AIL/T/2021,
Puducherry, dated 28th December 2021)

NOTIFICATION

Whereas, an Award in I.D (L) No. 24/2018, dated 06-10-2021 of the Labour Court, Puducherry, in respect of the Industrial Dispute between Management of M/s. Hidesign India Private Limited, Puducherry, and Thiru K. Krishnamurthy, Navarkulam, Puducherry, over reinstatement with back wages and unfair labour practice Puducherry has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-05-1991, 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 6th day of October 2021.

I.D. (L) No. 24/2018

in

CNR. No. PYPY060000452018

Thiru K. Krishnamurthy,
No. 51, Gurusithananda Street,
Villianur Main Road,
Navarkulam,
Puducherry. . . Petitioner

Versus

The Managing Director,
M/s. Hidesign India Private Limited,
No. 6, St. Martin Street,
Puducherry. . . Respondent

This Industrial Dispute coming on this day before me for hearing, in the presence of Thiru R. Mugundhan, Counsel for the petitioner, Thiru G. Krishnan, Counsel for the respondent, upon perusing the records, this Court passed the following:

AWARD

This Industrial Dispute arise out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 72/AIL/Lab./T/2018, dated 04-05-2018 of the Labour Department, Puducherry, to resolve the following dispute between the petitioner and the respondent *viz.*,-

(i) Whether the dispute raised by the petitioner Thiru K. Krishnamurthy, Navarkulam, Puducherry, against the management of M/s. Hidesign India Private Limited, Puducherry, over reinstatement with back wages and unfair labour practice is justified or not? If justified, what relief the petitioner is entitled to?

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

2. Today, when the case came up for hearing, both side present. It is represented by both sides that the matter is amicably settled between them. They have filed joint compromise memo based on the settlement arrived between the parties on 30-09-2021 as per section 18(1) of the Industrial Disputes Act, 1947. Joint compromise memo filed by them is recorded. Award passed in terms of compromise memo. Joint compromise memo and settlement, dated 30-09-2021 shall form part of the Award. The reference is answered accordingly. No costs.

Written and pronounced by me in the open Court, on this 6th day of October, 2021.

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

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

*(G.O. Rt. No. 1/Lab./AIL/T/2021,
Puducherry, dated 4th January 2022)*

NOTIFICATION

Whereas, an Award in I.D (L) No.19/2020, dated 22-11-2021 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the industrial dispute between Management of M/s. Sri Bharathi Mills (A Government of Puducherry Undertaking), Mudaliarpet, Puducherry and the Union workmen represented by Sri Bharathi Mill Thozhilalar Urimai Padukappu Sangam, Koundanpalayam, Puducherry, over regularization of Thiruvalargal K. Murugan, D. Ilavarasan and Tmt. R. Saranya 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.

Monday, the 22nd day of November 2021.

I.D. (L) No. 19/2020

in

C.N.R. No. PYPY060000522020

The President,
Sri Bharathi Mill Thozhilalar
Urimai Padukappu Sangam,
No. 61/2, First Floor,
Aswini Hospital (Opp.),
Vazhudavoor Road,
Koundanpalayam, Puducherry. . . Petitioner

Versus

The Managing Director,
M/s. Sri Bharathi Mills
(A Government of Puducherry Undertaking),
P.O. Box No. 10, Mudaliarpet,
Puducherry. . . Respondent

This Industrial Dispute coming on 10-11-2021 before me for final hearing in the presence of Thiruvalargal K. Velmurugan and P. Preethi, Counsels for the petitioner, the respondent being called absent and set *ex parte*, upon hearing the petitioner and perusing the case records, this Court delivered the following:

AWARD

This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 103/AIL/Lab./T/2020, dated 13-10-2020 of the Labour Department, Puducherry, to resolve the following dispute between the petitioners and the respondent *viz.*,

(a) Whether the dispute raised by the Union workmen represented by Sri Bharathi Mill Thozhilalar Urimai Padukappu Sangam, Koundanpalayam, Puducherry, against the management of M/s. Sri Bharathi Mills (A Government of Puducherry Undertaking), Mudaliarpet, Puducherry, over regularization of Thiruvalargal K. Murugan, D. Ilavarasan and Tmt. R. Saranya, is justified or not? If justified, what relief the workmen are entitled to?

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

2. *Brief averments made in the claim Statement of the petitioner:*

The respondent Mills was indulged in spinning and weaving of threads which are required for manufacturing garments. The three petitioner

workmen Thiruvalargal Murugan, s/o. Kuppan, Saranya, w/o. Saravanan and Ilavarasan, s/o. Datchinamoorthy, were appointed by the respondent management for the post of Driver, Accountant Assistant and Sales Assistant on 25-03-2012, 09-10-2013 and 10-10-2013 respectively. All the petitioners were worked more than 240 days in every year under the respondent management till the year 2020. The respondent management extracted the work from workers till 2020. The respondent management fails to regularize the services of the petitioners. The petitioner workers were provided with Provident Fund coverage and ESI coverage. The petitioners through their Union has given representation to the Labour Officer (Conciliation) on 13-08-2018. Since, no amicable settlement was arrived between the parties to the dispute, the Labour Officer (Conciliation) has submitted failure report, dated 20-03-2020. All the three petitioners were worked in the respondent management for about 240 days in every year. Though, there are post permanently fell vacant in the respondent management, the petitioners were not afforded an opportunity to become permanent workers and their services were not regularized. The respondent management has utilized the services of the petitioners for almost about 8 years and did not chosen to regularize them. Hence, the petition is filed to regularize the services of the three workers (detailed in the Annexure).

3. *Points for consideration:*

(i) Whether the non-employment of the petitioners Thiruvalargal Murugan, Ilavarasan and Saranya is justified?

(ii) To what other reliefs, the petitioners are entitled to?

4. Thiru K. Mohandas, was examined as PW1 and through him proof affidavit was filed. On behalf of the petitioner Union Ex.P1 to Ex.P18 were marked on the petitioner side. Even after the grant of several opportunities, the respondent was not turned up and the respondent was set *ex parte*.

5. PW1 in his evidence deposed that the petitioners are working with the respondent management from the year 2012 in order to meet out the requirements of the respondent management. The petitioners Thiruvalargal Murugan, Saranya and Ilavarasan were appointed in the year of 2012 and 2013. All the petitioners were worked in the respondent management for more than 240 days in each year from the date of their appointment till the year 2020. The act of the respondent management in not regularising the services of the petitioners are

arbitrary, unlawful and not valid in law. There are several permanent posts fell vacant in the respondent company. However, the respondent management did not chosen to regularise them, despite the fact that the petitioners were worked with the respondent for the past 8 years.

6. The learned Counsel for the petitioners submit that all the three individuals are represented through the petitioner. On perusal of exhibits it will be clear that the petitioners are worked with the respondent management in various capacity for a long time. The request of the petitioners to regularize the services does not given effect by the management. Hence, the petitioners were given representation to the Labour Officer (Conciliation). Even before the Labour Officer (Conciliation) the respondent has not appeared. The respondent was not correct in not regularising the services of the petitioners though they have put in continuous services of 8 years. During which period, all the petitioners were attended duty for more than 240 days in each year.

7. This Court has carefully considered the oral submission made by the learned Counsel for the petitioner. This Court has also considered the evidence of PW1 and the Ex.P1 to Ex.P8 were marked through PW1. The petitioners were appointed by the respondent management on 25-03-2012, 09-10-2013 and 10-10-2013 respectively. According to the petitioners they were worked in the services of the respondent management for more than 240 days in each year. The work of the petitioners is perennial in nature and the respondent has continuously utilized the services of the petitioners for about 8 years. The petitioners given representation to the respondent management for regularising the services which was not considered by the respondent. It is learnt from the petitioners proof affidavit filed by the PW1 that several permanent post were kept vacant due to superannuation the same posts were not fell by the respondent management.

8. The petitioners are served in the respondent management for about 8 years and their services were not regularized. The respondent management ought to have regularized the services of the petitioners. Our Hon'ble Apex Court and Our Hon'ble High Court repeatedly held in number of decisions that the services of the employee who has worked in a company for more than 240 days and the nature of job is perennial in nature their services needs to be regularized. Having considered the above discussion, this Court is of the considered opinion that the regularization of the petitioners are justifiable.

9. In the result, the petition is allowed. The respondent is directed to regularize the services of all the three petitioner workmen from the date of their eligibility for regularization. No costs.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court, on this 22nd day of November, 2021.

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

List of petitioner's witness:

PW.1 — 10-11-2021 Mohandas

List of petitioner's exhibits:

Ex.P1 — 06-02-2016 Xerox copy of the Office Order issued by the respondent to the petitioner workman Murugan.

Ex.P2 — 20-01-2017 Xerox copy of the Certificate issued by the respondent to the petitioner workman Murugan.

Ex.P3 — November 2016 Xerox copy of the Pay slip of the petitioner workman Murugan.

Ex.P4 — 18-04-2019 Xerox copy of the Office Order issued by the Nodal Officer, Transport Management to petitioner workman Murugan.

Ex.P5 — 14-06-2018 Xerox copy of the representation given by the petitioner workman Murugan to the respondent management.

Ex.P6 — 31-07-2018 Xerox copy of the representation given by the petitioner workman Murugan to the respondent management.

Ex.P7 — 11-11-2013 Xerox copy of the ESI Identity Certificate of the petitioner workman Saranya.

Ex.P8 — 14-10-2021 Xerox copy of the Employees Provident Fund member passbook of the petitioner workman Saranya.

Ex.P9	— November 2013	Xerox copy of the Pay slip of the petitioner workman Saranya.
Ex.P10	— 22-06-2015	Xerox copy of the representation given by the petitioner workman Saranya to the respondent management.
Ex.P11	— 06-07-2016	Xerox copy of the representation given by the petitioner workman Saranya to the respondent management.
Ex.P12	— 02-08-2018	Xerox copy of the representation given by the petitioner workman Saranya to the respondent management.
Ex.P13	—	Xerox copy of the ESI Identity Card of the petitioner workman Ilavarasan.
Ex.P14	— November 2016	Xerox copy of the casual wages of the petitioner workman Ilavarasan.
Ex.P15	— December 2013	Xerox copy of the PF Contribution Statement of the petitioner workman Ilavarasan.
Ex.P16	— 06-07-2016	Xerox copy of the representation given by the petitioner workman Ilavarasan to the respondent management.
Ex.P17	— 13-08-2018	Xerox copy or the representation given by the petitioner representative to the Labour Officer (Conciliation), Puducherry.
Ex.P18	— 20-03-2020	Xerox copy of the failure report submitted by the Labour Officer (Conciliation) Puducherry.

List of respondent's witnesses: NIL

List of respondent's exhibits: NIL

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

புதுச்சேரி அரசு

இந்து சமய நிறுவனங்கள் மற்றும் வக்ஃபு துறை

(அரசு ஆணை பலவகை எண் 134/இசரி./கோ.3/2021/621,
புதுச்சேரி, நாள் 2021 (வர்ப் சூலை மீ 29உ)

ஆணை

புதுச்சேரி மாநிலம், வில்லியனூர் கொம்பூன், உறுவையாறு, அருள்மிகு திரௌபதியம்மன் தேவஸ்தானம், அரசு ஆணை பலவகை எண் 73/இசரி./கோ.3/2017, நாள் 21-03-2017-ன் மூலம் நியமிக்கப்பட்ட அறங்காவல் குழுவின் பதவிக்காலம் முடிவடைந்த நிலையில் நிர்வகிக்கப்பட்டு வருகிறது.

2. மேற்படி, ஆலயத்தை செம்மையாக நிர்வகிக்கும் பொருட்டு இவ்வறங்காவல் குழுவிற்கு பதிலாக வேறு ஒரு சிறப்பு அதிகாரியை நியமனம் செய்து நிர்வகிப்பது இன்றியமையாதது என்று அரசால் கருதப்படுகிறது.

3. எனவே, 1972-ஆம் ஆண்டு, புதுச்சேரி, இந்து சமய நிறுவனங்கள் சட்டம் 4(1)-ஆம் பிரிவின்கீழ் வழங்கப்பட்டுள்ள அதிகாரங்களைச் செலுத்தி, புதுச்சேரி, பெருந்தலைவர் காமராஜர் வேளாண் அறிவியல் நிலையத்தில் உதவி பயிற்றுநராக பணிபுரியும் திரு. மு. சந்திராதரன் அவர்கள், உறுவையாறு, அருள்மிகு திரௌபதியம்மன் தேவஸ்தானத்திற்கு சம்பளம் பெறாச் சிறப்பு அதிகாரியாக அரசால் இதன் மூலம் நியமனம் செய்யப்படுகிறார்.

4. திரு. மு. சந்திராதரன், உதவி பயிற்றுநர், பெருந்தலைவர் காமராஜர் வேளாண் அறிவியல் நிலையம், புதுச்சேரி அவர்கள், மேற்கூறிய தேவஸ்தானத்தின் நிர்வாகத்தை, அதன் அசையும், அசையாச் சொத்துக்கள் மற்றும் இதர ஆவணங்களுடன் பதவி விலகும் அறங்காவலர் குழுவிடமிருந்து பொறுப்பேற்றுக்கொண்டு, அரசுத் துறையில் தான் வகிக்கும் பதவிக்குக் கூடுதலாகவும், 1972-ஆம் ஆண்டு, புதுச்சேரி, இந்து சமய நிறுவனங்கள் சட்டம் மற்றும் அதன்கீழ் உருவாக்கப்பட்டுள்ள விதிகளுக்கு இணங்கவும், தேவஸ்தானத்தின் நிர்வாகத்தை கவனித்து வரவேண்டும்.

5. 1972-ஆம் ஆண்டு, புதுச்சேரி, இந்து சமய நிறுவனங்கள் சட்டம் மற்றும் அதன் கீழ் இயற்றப்பட்ட விதிகளுக்குட்பட்டு சிறப்பு அதிகாரி, திருக்கோயிலை நிர்வகிக்க கடமைப்பட்டவராவார். மேலும், சிறப்பு அதிகாரி கடைபிடிக்க வேண்டிய சில முக்கிய பணிகள் கீழே கொடுக்கப்பட்டுள்ளன.

(i) கோயிலுக்குச் சொந்தமான காலி மனைகள், கோயிலைச் சுற்றியுள்ள இடங்கள் மற்றும் கோயில் குளங்களைத் தூர் வாருதல் மற்றும் சுத்தம் செய்தல் இவைகளை உள்ளடக்கிய ஓர் ஆண்டறிக்கையினை சமர்ப்பித்தல் வேண்டும்.

(ii) நன்கொடையாளர்களால் மேற்கொள்ளப்படும் பணிகளை நிறைவேற்ற முழு மூச்சுடன் ஈடுபடுத்தல் வேண்டும்.

(iii) ஒவ்வொரு வருடத்திற்குமான உத்தேச வரவு, செலவு கணக்குகளை மார்ச் மாத காலத்திற்குள் சமர்ப்பித்தல் வேண்டும்.

(iv) கோயில் வரவு, செலவு கணக்குகளை முறையாக பராமரித்தல் மற்றும் அக்கணக்கினை ஆண்டுக்கு ஒருமுறை கணக்கு மற்றும் கருவிலகத் துறை மூலம் தணிக்கை செய்தலை உறுதி செய்யவேண்டும்.