



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. 5/Lab./AIL/T/2021,
Puducherry, dated 4th January 2022)

NOTIFICATION

Whereas, an Award in I.D (T) No. 08/2018, dated 12-11-2021 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the industrial dispute between Management of M/s. Swadeshi Cotton Mills, PTC, Puducherry and the Union of Swadeshi Panchalai Thozhilalar Urimai Padukappu Sangam, Puducherry, over correction of date of joining in the service registers of Thiruvalargal R. Krishnan, K. Ehthiyar, D. Amudha, P. Venkatesan and V. Albert 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.

Friday, the 12th day of November 2021.

I.D. (T) No. 08/2018

in

C.N.R. No. PYPY060000242018

The General Secretary,
Swadeshi Panchalai Thozhilalar
Urimai Padukappu Sangam,
No. 61/2, First Floor,
Aswini Hospital (Opp.),
Vazhuthavur Road, Koundanpalayam,
Puducherry.

. . Petitioner

Versus

The Managing Director,
M/s. Swadeshi Cotton Mills,
Puducherry Textiles Corporation Limited
(A Government of Puducherry Undertaking),
Puducherry.

. . Respondent

This Industrial Dispute coming on 13-10-2021 before me for final hearing in the presence of Thiruvalargal Velmurugan and P. Preethi, Counsels for the petitioner, Thiru K. Ravikumar, Counsel for the respondent, 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. 24/AIL/Lab./T/2018, dated 23-02-2018 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 of Swadeshi Panchalai Thozhilalar Urimai Padukappu Sangam, Puducherry, against the management of M/s. Swadeshi Cotton Mills, PTC (A Government of Puducherry Undertaking) Puducherry, over correction of date of joining in the service registers of Thiruvalargal R. Krishnan, K. Ehthiyar, D. Amudha, P. Venkatesan and V. Albert, is justified or not? If justified, what relief they entitled to?

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

2. *The averments made in the claim Statement:*

The petitioner detailed in the Annexure has joined the respondent management on the respective date mentioned in the Annexure. The respondent Mills is running a canteen in which 8 workers including the 5 petitioners were worked in 3 shifts and they were put in 300 day of service in every year ever since, the date of joining. The petitioners were made several representations to the respondent to regularize their services, but, the same was ended in vain. On 08-09-2001, the respondent management declared lay-off for doing electrical maintenance work in the factory it was informed by the respondent management that all the 8 workmen employed in the canteen were terminated from 08-09-2001. The petitioners preferred I.D. No. 05/2002 for adjudication, since, the conciliation before Labour Officer was ended in failure. The Labour Court, Puducherry, after hearing both sides passed an Award, dated 21-01-2003, where by the respondent management was directed to extend all the benefits to all the 8 workmen on par with other regular workers from their date of joining. The Award was published in the Official Gazette of Puducherry, on 14-07-2009. The management has created some false attendance register and monthly

pay slips in which the date of initial appointment of all the said 8 workmen were mentioned as 01-01-1996 and thereby reduced the service period of workmen from 8 years to 20 years. All the petitioners requested the respondent management to enter the actual date of joining in the service register, but, the same was not considered by the respondent management. Aggrieved by the act of the respondent management, the petitioners gave representation to the Labour Officer (Conciliation) on 23-01-2015, but, the respondent has not attended the Conciliation enquiry since, the Labour Officer (Conciliation), Puducherry, could not reach amicable settlement between the parties he has submitted a failure report to the Government of Puducherry. Thereby, the matter was referred to the Labour Court for adjudication. The date of joining will be the date of actual appointment of service of the workmen and not from the date of regularization, thereafter, the respondent has entered into 18(1) settlement with the petitioners on 12-06-2015 and thereby mutually agreed to enter the actual date of joining for continuity of service. But, the respondent management has not adhere to the terms of 18(1) settlement and refused to correct the date of joining of the petitioners workmen in the service records, without any valid and justifiable reasons. Hence, it is a just and necessary to pass an Award for correction of date of entry into service in the service records of the workmen.

3. On the respondent side Thiru K. Ravikumar has filed vakalat for respondent. Since, the counter was not filed for a long time, the respondent was set *ex parte* on 13-10-2021.

4. *Points for consideration:*

Whether the petitioners Thiruvargal R. Krishnan, K. Ezhian, D. Amudha, P. Venkatesan and V. Albert, are entitled to get date of joining of them to be corrected in the service records as 01-03-1975, 01-04-1977, 01-06-1983, 01-03-1983 and 01-06-1988, respectively, for the purpose of extending ESI, Provident Fund, Gratuity, *etc.*, and to what other reliefs the petitioners are entitled to?

5. Thiru K. Mohandoss, s/o. Karunakaran was examined as PW1 and through him Ex.P1 to P8 were marked.

6. PW1 Thiru K. Mohandoss in his evidence deposed that the petitioners who are the workmen of Swadeshi Panchalai Thozhilalar Urimai Padukappu Sangam were working in three shifts in the canteen

running in the Swadeshi Cotton Mills, Puducherry. All the 5 workmen have put in 300 days of service in every year from the date of joining in the services. The respondent management failed to implement ESI, PF and regularized the wages for which they are entitled to. On 08-09-2001, the respondent management announced lay-off. When others were permitted to sign in the attendance, the respondent deny the opportunity to the petitioners. The management informed that the service of the petitioners were terminated from 08-09-2001. The petitioners preferred representation before the Labour Officer (Conciliation), Puducherry and the same was ended in failure. Against which I.D. No. 05/2002 was filed before this Court. The petitioners requested the respondent management to correct the date of joining as the date of actual entry into service as per the Award of Labour Court, Puducherry, but, the respondent failed to consider the same. Hence, the petitioners were constrained to give representation, dated 23-01-2015 to the Labour Officer (Conciliation) Puducherry. But, the respondent has not participated in the Conciliation Proceedings and hence, the present industrial dispute was filed. In the mean while on 12-06-2015, the respondent management entered into an 18(1) settlement with the petitioners. However, the respondent management has not given effect to the 18(1) settlement.

7. This Court has carefully considered the argument put forth by the learned Counsel for the petitioner and the documents filed in support of the petitioner claim. In the 18(1) settlement, dated 12-06-2015 which was marked as Ex.P1. The respondent management given permanent status for the petitioners with effect from 01-06-2015 which is the date of regularization of the petitioners service in the said settlement. The respondent management has agreed to give salary and allowances to petitioners on par with permanent employees of the respondent management. From Ex.P4 the letters signed by the ESI Corporation to the petitioner in response to the information sought under the Right to Information Act. The ESI Corporation has given the details that the ESI coverage for the petitioners were started from 01-08-1983, where, in the name of the employer was mentioned as Swadeshi Cotton Mills. Ex.P6 and Ex.P7 are the Award and order passed by the Labour Court, Puducherry, in I.D. No. 05/2002 and C.P. No. 01/2011 respectively. The Award passed in I.D. No. 05/2002. This Court has observed that the petitioners are deemed to be workers who were put in continuous service under the respondent Mill for several years and they are entitled for all benefits under the Industrial Disputes

Act, 1947 and other labour legislations. On the respondent side no evidence was let in and PW1 was not cross-examined. In the Annexure to the claim statement the petitioners has detailed the date of joining of the petitioner. There is no contra evidence to dispute the contention of the petitioners. The petitioners having fought a long legal battle is certainly entitled for the relief of correction of date of entry into service in their service records maintained by the respondent management as detailed in the Annexure to the claim petition. As such, the date of entry into service of the petitioners Thiruvallargal R. Krishnan, K. Ehtiyar, D. Amudha, P. Venkatesan and V. Albert, has to be altered as 01-03-1975, 01-04-1977, 01-06-1983, 01-03-1983 and 01-06-1988, respectively.

8. In the result, the petition is allowed. The respondent management is directed to make correction of the date of entry into service of all the petitioners as per the dates above-mentioned in all the service records including ESI, Provident Fund, Gratuity records maintained by the respondent management. No costs.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court, on this 12th day of November 2021.

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

List of petitioner's witness:

PW.1 — 28-01-2020 Mohandoss

List of petitioner's exhibits:

Ex.P1 — 12-06-2015 Photocopy of the 18(1) settlement entered between the respondent management and its workers.

Ex.P2 — 23-01-2015 Photocopy of the representation given by the petitioner to the Labour Officer (Conciliation), Puducherry.

Ex.P3 — 23-01-2018 Photocopy of the Failure report submitted by the Labour Officer (Conciliation), Puducherry.

Ex.P4 — 12-11-2009 Photocopy of the reply given by the ESI Corporation, Puducherry, to the petitioner under RTI Act.

Ex.P5 — 09-01-2003 Photocopy of the Common Order passed by the Labour Tribunal, Puducherry, in I.A. Nos. 93/002 & 94/2002 in I.D. No. 01/2001.

Ex.P6 — 21-01-2003 Photocopy of the Award passed by the Labour Court, Puducherry in I.D. No. 05/2002.

Ex.P7 — 11-10-2013 Photocopy of the order passed by the Labour Court, Puducherry, in C.P. No. 01/2011.

Ex.P8 — 04-11-2004 Photocopy of the order passed by the Hon'ble High Court of Madras in W.M.P. No. 30534/2004 in W.P. No. 25097/2004.

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 பல்வகை எண் 135/இச.நி./கோ.2/2021/638.
புதுச்சேரி, நாள் 2021 (வர்பு ஆகஸ்ட் மீ 3 வ)

ஆணை

புதுச்சேரி மாநிலம், காரைக்கால் வட்டாரம், T.R. பட்டினம் கொம்புன், அருள்மிகு வீழி வரதராஜப்பெருமாள் தேவஸ்தானத்தை நிர்வகிக்கும் பொருட்டு, அரசு ஆணை பல்வகை எண் O2/இச.நி./கோ.2/2016, நாள் 15-07-2016-ன் மூலம் நியமிக்கப்பட்ட திரு. A. ரங்கராஜன், (மெக்கானிக் பொதுசுகாதார பிரிவு, பொதுப்பணித் துறை, காரைக்கால்), அவர்களால் சிறப்பு அதிகாரி என்கிற நிலையில் நிருவகிக்கப்பட்டு வருகிறது.

2. மேலும், ஆலயத்தை செம்மையாக நிருவகிக்கும் பொருட்டு இவருக்கு பதிலாக வேறு ஒரு புதிய சிறப்பு அதிகாரியை நியமனம் செய்து நிருவகிப்பது இன்றியமையாதது என்று அரசால் கருதப்படுகிறது.