



புதுச்சேரி மாநில அரசிதழ்

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அதிகாரம் பெற்ற வெளியீடு

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No.		Puducherry	Tuesday	11th	January	2022

பொருளடக்கம்

SOMMAIRES

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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 84/Lab./AIL/T/2021,
Puducherry, dated 27th December 2021)

NOTIFICATION

Whereas, an Award in I.D (L) No. 19/2019, dated 12-10-2021 of the Labour Court, Puducherry, in respect of the Industrial Dispute between the Management of M/s. Puducherry Tourism Development Corporation Limited, Puducherry and Union workmen represented by Puducherry Sutturula Valarchi Kazhaga Thinacooli Oozhiyargal Nala Sangam, Kirumampakkam, 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.

Tuesday, the 12th day of October 2021.

I.D. (L) No. 19/2019

in

CNR. No. PYPY060000252019

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. S. Azhaganantham 2. L. Valampuriraj 3. A. Krishnamoorthy 4. K. Suresh Kumar 5. K. Manivelan 6. A. Sabarinathan 7. D. Suresh 8. R. Vengatraman 9. S. Santhakumar 10. M. Mathivanan 11. U. Udayasankar | <ol style="list-style-type: none"> 12. I. Iyyappan 13. N. Seetharaman 14. K. Malaiyalathan 15. R. Rajavelu 16. T. Pavithran 17. P. Kathiravan 18. K. Karthick 19. R. Rajavendan 20. S. Vasantharaj 21. C. Ramakrishnan 22. R. Loganathan 23. N. Viji 24. A. Muthu Kumaran 25. C. Gobalakichenin 26. A. Ravi 27. K. Jothi 28. V. Sivaganthu 29. A. Anbarasan 30. J. Youvaraja 31. M. Kaliyappan 32. N. Allimuthu 33. M. Selambarasan 34. R. Arulnathan 35. V. Viragopal 36. P. Stalin 37. N. Prasath 38. K. Padma 39. K. Sivamoorthy 40. V. Oudayacoumar 41. V. Palani 42. M. Allimuthu 43. V. Rajavelu 44. D. Ramu 45. D. Ravichandiran 46. T. Marimuthu 47. S. Azhagappan 48. M. Santhalakshmi 49. M. Sathiyarayanan 50. N. Priya 51. R. Rajabharathy 52. P. Murali |
|---|---|

53. R. Arularasan
54. L. Ayyappan
55. V. Krishnamoorthy
56. A. Perumal
57. N. Jaisankar
58. J. Devanathan
59. M. Pazhanivelu

The Secretary,
Puducherry Suttrula Valarchi Kazhaga
Thinacooli Oozhiyargal Nala Sangam,
No. 58, Vinayagar Koil Street,
Kumaran Nagar, Aladimedu,
Kirumampakkam,
Puducherry. . . Petitioners

Versus

The Managing Director,
M/s. Puducherry Tourism Development
Corporation Limited,
(A Government of Puducherry Undertaking)
No. 40, Goubert Avenue (Beach Road),
Puducherry. . . Respondent

This Industrial Dispute coming on 13-09-2021 before me for final hearing in the presence of Thiruvalargal M. Gnanasekar and D. Pavithra, Counsels for the petitioners, Thiru M. Nakkeeran, 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. 42/AIL/Lab./T/2019, dated 14-03-2019 and Corrigendum/Addendum, dated 06-05-2019 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 Puducherry Suttrula Valarchi Kazhaga Thinacooli Oozhiyargal Nala Sangam, Kirumampakkam, Puducherry, against the management of M/s. Puducherry Tourism Development Corporation Limited, Puducherry, over non-employment of 54 + 5 totally 59 daily rated employees are justified or not? If justified, what relief the Union 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 petitioners:*

The petitioners sangam is a registered Trade Union. The members of the Trade Union were appointed in the respondent Puducherry Tourism Development Corporation Limited on various dates from 2013. They were initially engaged as daily rated basis. All the members of the petitioners Union have been continuously working with respondent corporation without any break in service. The work performed by the petitioners are perennial in nature and required for long-term basis. All the petitioners regularly working with the respondent corporation without any complaint. All of a sudden, the respondent corporation denied employment to the members of the petitioners Trade Union with effect from 17-08-2016. All the petitioners approached the Chairman of Puducherry Tourism Development Corporation Limited and he assured this is only a break in service for 15 days and they will be brought back to service with effect from 01-09-2016 onwards. The petitioners were not given employment on 01-09-2016 as assured by the Chairman of the respondent corporation. In the said circumstances the 59 ousted daily rated workers approached the Conciliation Authority for making arrangement for reinstatement. The respondent management by a letter, dated 07-04-2017 adopted the new method by making engagement by e-tender system on 04-05-2017. The management called for contractors for providing workers for house-keeping and cleaning on out sourcing basis. The petitioners approached the Hon'ble High Court in W.P. No. 9719/2017 and the respondent were restrained by the order of the Hon'ble High Court from out sourcing persons for house-keeping and cleaning work in all Units of Puducherry Tourism Development Corporation Limited, Puducherry. The management failed to consider the request for reinstatement and hence, the Labour Officer, Conciliation has sent a failure report to the Government of Puducherry. Now, the Government of Puducherry, has referred the matter before the Labour Court, Puducherry, for adjudication. The respondent corporation is continuously earning profit. The petitioners worked from the year 2013, 2014, 2015 and 2016. Therefore, they cannot be blame that they were appointed through back door. In fact, all the petitioners possess sufficient qualification and has gain experience for nearly 4 years in their respective Department. Therefore, the non-employment of the petitioners is unjustified which is not in accordance with established principles of law. Their retrenchment is illegal and void *ab initio*.

3. *Points for consideration:*

(i) Whether the non-employment of the daily rated employees in G.O. Rt. No. 42/AIL/Lab./T/2019, dated 14-03-2019 and Corrigendum/Addendum, dated 06-05-2019 of the Labour Department, Puducherry is justified?

(ii) Whether the employees are entitled for reinstatement in service with all attendant benefits?

4. Thiru Udayakumar was examined as PW.1 and through him proof affidavit was filed. On behalf of the petitioners Union EX.P1 to EX.P17 were marked on the petitioner side.

5. In the evidence of PW.1, he has deposed that the members of the petitioners Union were engaged by the respondent corporation on daily rated basis and paid monthly from the beginning of their engagement. All the members of the petitioners Union worked continuously without any break in service. The work performed by the petitioners are perennial in nature and required long-term basis. The petitioners are working in the respondent corporation without any remarks. While so, the respondent corporation has denied employment to all the petitioner from 17-08-2016. When, the affected employees met the Chairman of the respondent corporation he has promised that they will be reinstated for duty in their respective post from 01-09-2016.

6. The learned Counsel for the petitioners submit that the petitioners are appointed by the Puducherry Tourism Development Corporation Limited, Puducherry, which is the Government of Puducherry undertaking from the year 2013 on various dates. The service utilized by respondent corporation at the Main Office, Tourism Wing, Project Cell, Boat House and Seagulls Restaurant. From the beginning of the engagement of the petitioners working with a respondent corporation without any break in service. As such the respondent corporation ought to have regularized the services of the petitioners. At the time of filing the complaint before the Labour Officer (Conciliation), all the 59 ousted daily rated workers were contenting the claim. However, presently the following petitioners are contesting:

Sl. No.	Name of the Employees	Date of Appointment
(1)	(2)	(3)
1.	V. Krishnamoorthy	01-05-2015
2.	A. Perumal	01-05-2015
3.	V. Oudayacoumar	04-06-2015
4.	S. Azhaganandan	07-02-2015
5.	A. Krishnamoorthy	02-07-2014

(1)	(2)	(3)
6.	M. Pajanivel	01-05-2015
7.	V. Palani	01-04-2013
8.	M. Allimuthu	07-02-2015
9.	J. Devanathan	01-05-2015
10.	N. Jayasankar	01-05-2015
11.	A. Anbarasan	02-01-2015
12.	V. Sivaganthu	2016
13.	L. Valampuri	11-04-2016
14.	A. Sabarinathan	02-04-2016
15.	N. Viji	11-06-2015
16.	V. Rajavelu	11-07-2015
17.	R. Venkatraman	10-07-2015
18.	K. Karthik	03-05-2016
19.	M. Santhanalakshmi	02-01-2015
20.	K. Kanthan	03-06-2015

7. The respondent has filed the report before which the Labour Officer (Conciliation) on 19-12-2016 stating that under no circumstances the respondent corporation can consider the engagement of workers in the petitioners Union and there is no scope for negotiations. The respondent corporation has also expressed that they are not in a position to engage the petitioners due to critical financial position.

8. The respondent corporation having engaged the petitioners from 01-01-2013 to 30-11-2016 as daily rated workers. Considering the nature of work of the petitioners it is perennial in nature and they were work with the respondent without any break in service. The respondent required the services of the petitioners continuously. The respondent corporation having utilized the services of the petitioner for a long-time has denied employment to them without any justifiable reasons. Though the petitioners are engaged as daily rated workers the were paid monthly salary all along their service. This Court is of the considered opinion that the petitioners are represented without any employment and without any income. The petitioners are also submitted that they are not in gainfull employment. The right to life enshrined in the Article 21 of the Constitution is something more than mere animal existence.

9. This Court deem it fit to grant appropriate relief to the petitioners by directing the respondent corporation to reinstate the petitioners 1 to 20 in the above-mentioned list in para 6 of this Award. However, considering the circumstances of the case, this Court is not inclined to grant back wages.

10. In the result, the petition is partly allowed. The petitioners 1 to 20 are ordered to be rein stated by the respondent corporation within a period of weeks from the date of this Award. No costs.

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

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

List of petitioner's witness:

PW.1 — 23-08-2021 Oudayacoumar

List of petitioner's exhibits:

- Ex.P1 — 01-02-2015 Xerox copy of the Certificate issued by the P.S. to Welfare Minister from 01-01-2015 to 31-01-2015.
- Ex.P2 — 01-02-2015 Xerox copy of the Certificate issued by the P.S. to Welfare Minister from 01-02-2015 to 28-02-2015.
- Ex.P3 — 01-04-2015 Xerox copy of the Certificate issued by the P.S. to Welfare Minister from 01-03-2015 to 31-03-2015.
- Ex.P4 — 01-05-2015 Xerox copy of the Certificate issued by the P.S. to Welfare Minister from 01-04-2015 to 30-04-2015.
- Ex.P5 — 30-09-2015 Xerox copy of the Certificate issued by the P.S. to Welfare Minister from 01-09-2015 to 30-09-2015.
- Ex.P6 — 31-10-2015 Xerox copy of the Certificate issued by the P.S. to Welfare Minister from 01-10-2015 to 31-10-2015.
- Ex.P7 — 03-11-2016 Xerox copy of the Representation of the petitioner Union.
- Ex.P8 — 19-12-2016 Xerox copy of the Proceedings of the Respondent Corporation vide No. 214/PTDC/Admn./L.C./2016/779.
- Ex.P9 — 06-01-2017 Xerox copy of the Representation of the Petitioner Union.

Ex.P10 — 11-01-2017 Xerox copy of the Proceedings of the Respondent Corporation vide No. 217/PTDC/Admn./2016/017.

Ex.P11 — 12-01-2017 Xerox copy of the Representation of the Petitioner Union.

Ex.P12 — 19-01-2017 Xerox copy of the Representation of the Petitioner Union.

Ex.P13 — 07-04-2017 Xerox copy of the Representation of the Petitioner Union.

Ex.P14 — 08-05-2017 Xerox copy of the Lawyer's Notice issued by the Petitioner Union.

Ex.P15 — 05-10-2018 Xerox copy of the Representation of the Petitioner Union.

Ex.P16 — 20-07-2018 Xerox copy of the Proceedings of the Respondent Corporation vide No. 217/PTDC/Admn./2016/481.

Ex.P17 — 02-08-2018 Xerox copy of the Proceedings of the Respondent Corporation vide No. 217/PTDC/Admn./2016/513.

List of respondent's witness: Nil

List of respondent's exhibits: Nil

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

GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G.O. Rt. No. 85/Lab./AIL/T/2021,
Puducherry, dated 27th December 2021)

NOTIFICATION

Whereas, an Award in I.D (L) No. 16/2020, dated 07-10-2021 of the Labour Court, Puducherry, in respect of the Industrial Dispute between Management of

M/s. Pondicherry Co-operative Spinning Mills Limited (P. 396), Thirubuvanai, Puducherry and Thiru S. Singaravelu, Thirubuvanai, Puducherry, over reinstatement in service with all attendant benefits, 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.

Thursday, the 7th day of October 2021.

I.D. (L) No. 16/2020
in
CNR. No. PYPY060000482020

Thiru S. Singaravelu,
No. 6, 2nd Cross,
Indira Nagar
Thiruvandarkoil,
Puducherry. . . Petitioner

Versus

The Managing Director,
M/s. Pondicherry Co-operative
Spinning Mills Limited P. 396,
Pondy – Villupuram National Highway,
Thirubuvanai,
Puducherry . . Respondent

This Industrial Dispute coming on this day before me for hearing, both the petitioner and respondent remained absent, no representation have been made on their behalf, upon perusing the 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. 99/AIL/Lab./2020, dated 01-10-2020 of the Labour Department, Puducherry to resolve the following dispute between the petitioner and the respondent, *viz.*,-

(i) Whether the dispute raised by Thiru S. Singaravelu, Thirubuvanai, Puducherry, against the management of M/s. Pondicherry Co-operative Spinning Mills Limited (P. 396), Thirubuvanai, Puducherry, over reinstatement in service with all attendant benefits 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, petitioner called absent. Notice sent to the petitioner on 01-03-2021, 01-04-2021 and 21-05-2021 were returned as unclaimed. Petitioner and Respondent were served on 27-11-2021 and 20-08-2021. Both parties called absent. No representation. for both sides. Hence, the reference is closed.

Written and pronounced by me in the open Court, on this 7th day of October, 2021.

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

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

*(G.O. Rt. No. 86/Lab./AIL/T/2021,
Puducherry, dated 28th December 2021)*

NOTIFICATION

Whereas, an Award in I.D (T) No. 17/2020, dated 06-10-2021 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the Industrial Dispute between Management of M/s. Hindusthan National Glass & Industries Limited, Sedarapet Main Road, Thondamanatham, Puducherry and the union workmen represented by HNG Thozhilalar Sangam (ULF), Thondamanatham, Puducherry, over non-payment of 20% bonus and *ex-gratia* for an amount of ₹ 10,000 for the year 2017-18 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. (T) No. 17/2020
in
CNR. No. PYPY060000382020

The Secretary,
HNG Thozhilalar Sangam (ULF),
Thondamanatham,
Puducherry. . . Petitioner

Versus

The Managing Director,
M/s. Hindusthan National
Glass & Industries Limited,
Villianur, Sedarapet Main Road,
Thondamanatham Village,
Puducherry. . . Respondent

This Industrial Dispute coming on this day before me for hearing, in the presence of Thiruvalargal L. Sathish, S. Velmurugan, E. Karthick and S. Sudarsanan, Counsels for the respondent, on record, the petitioner remained absent, no representation have been made on his behalf, 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. 92/AIL/Lab./T/2020, dated 20-07-2020 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 HNG Thozhilalar Sangam (ULF), Thondamanatham, Puducherry, against the management of M/s. Hindusthan National Glass & Industries Limited, Sedarapet Main Road, Thondamanatham, Puducherry, over non- payment of 20% bonus and *ex-gratia* for an amount of ₹ 10,000 for the year 2017-2018 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, Counsel for respondent present. Petitioner called absent. no representation. notice already served on the petitioner on 28-10-2020, 11-05-2021 and 19-08-2021.

Since the petitioner is continuously absent keeping the reference pending would not serve any useful purpose. Hence, the reference is closed.

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. 90/Lab./G/2021,
Puducherry, dated 24th December 2021)

NOTIFICATION

Whereas, the management of M/s. The Cinema Providence, Providence Mall, Puducherry, have applied for grant of exemption from certain provisions of the Puducherry Shops and Establishments Act, 1964, to conduct special morning shows on account of screening new films;

And whereas, the Lieutenant-Governor, Puducherry, has by Notification in G.O. Ms. No. 9/95/Lab., dated 07-04-1995 under sub-section (1) of section 52 of the Puducherry Shops and Establishments Act, 1964, authorized the Secretary to Government, Labour Department, Puducherry, to exercise the powers of the Government under section 6 of the said Act, relating to exemption;

Now, therefore, in exercise of the powers conferred by section 6 of the said Act, the Secretary to Government, Labour Department, Puducherry, hereby exempts M/s. The Cinema Providence, Providence Mall, Puducherry, from the provisions of the section 16(1), 17(1), 17(2) and 18 of the Puducherry Shops and Establishments Act, 1964, for conducting special morning free shows as per Table:

Sl. No.	Name of the theatre	Name of the movie	Date and Time of screening
(1)	(2)	(3)	(4)
1	M/s. The Cinema Providence, Providence Mall, Puducherry.	Screen-1 (410)- Spider Man, Screen-2 (410)- Spider Man, Screen-3 (231)- Rocky, Screen-4 (229)- Matrix, Screen-5 (231)- Writer.	24-12-2021 to 26-12-2021 @ 08.30 a.m. onwards.