



புதுச்சேரி மாநில அரசிதழ்

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அதிகாரம் பெற்ற வெளியீடு

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பொருளடக்கம்

SOMMAIRES

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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 66/AIL/Lab./T/2023,
Puducherry, dated 1st August 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 12/2021, dated 30-08-2022 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the industrial dispute between the management of M/s. Matrix Stampi Limited, Puducherry and Thiru R. Ramesh Raja, Sedarapet, Puducherry, over non-employment;

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. 20/9/Lab./L, dated 23-5-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

P. RAGINI,

Under Secretary to Government (Labour).

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

Present :Tmt. V. SOFANA DEVI, M.L.,
Presiding Officer.

Tuesday, the 30th day of August, 2022

**I.D. (L) No. 12/2021
CNR. No. PYPY06-000023-2021**

R. Ramesh Raja,
No. 2/698, Velayudham Nagar,
Irumbai Road,
Thiruchitrabalam Cross Road,
Vanur Taluk,
Villupuram District. . . Petitioner

Versus

The Managing Director,
M/s. Matrix Stampi Limited,
Nos. 19/1 and 4/4, Mailam Road,
Sedarapet Post,
Puducherry-605 111. . . Respondent

This Industrial Dispute coming on 19-08-2022 before me for final hearing in the presence of Thiruvalargal S. Lenindurai @ Kalimuthu and M. Ruthra, Counsels for the Petitioner, Respondent remained *ex parte* and after hearing the petition side 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. 52/AIL/Lab./T/2021, dated 03-08-2021 of the Labour Department, Puducherry to resolve the following dispute between the Petitioners and the Respondent, *viz.*,

(a) Whether the dispute raised by the Petitioner Thiru R. Ramesh Raja, Sedarapet, Puducherry against the Management of M/s. Matrix Stampi Limited, Puducherry, over non-employment is justified or not? If justified, what relief the Petitioner is entitled to?

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

2. *Brief facts of the case of the Petitioner:*

(i) The Petitioner Workman was working as a Driver in the Respondent company from 01-12-2014 and discharging his duties without any adverse remarks. While being so, on 15-12-2018 when the Petitioner Workman was attending his work, the HR of the Respondent company informed orally that the Petitioner Workman was terminated from the service and demanded his sign in the Settlement receipt. Petitioner Workman denied to sign in it and asked for reason for his termination. But, Respondent company did not give any reply. The Petitioner Workman approached the Respondent company many times but, there was no response. The Petitioner Workman has moved a Petition before the Labour Officer (Conciliation) against the respondent on 24-12-2018. He has also given Petition before the Labour Commissioner on 29-04-2019. On receipt of the Petition, the Labour Officer (Conciliation) issued summons to both the parties, dated 27-02-2019. In spite of repeated notice/summons, the respondent did not appear for the enquiry.

(ii) The Respondent company without having any Standing Order, running the company with more than 100 employees. The Respondent company used to suspend the employees without reason. The Respondent company has also not paid any tax to the Commune Panchayat. The Respondent Company had obtained the signatures from the employees by using force and threat over the blank papers. The said act of the respondent is against the law and Principles of Natural Justice. Petitioner Workman is suffering from 15-12-2018 without employment till date. Refusing to give employment to the Petitioner Workman without any reason amounts to Unfair Labour Practices. Hence, the claim for the reinstatement.

3. Notice served to both the Petitioner and Respondent. Petitioner appeared and engaged an Advocate to represent him. Whereas, the respondent not appeared. Hence, the Respondent company was set *ex parte* on 20-10-2021. Claim Petition filed by the Petitioner.

4. *Point for determination:*

Whether the Petitioner Workman is entitled for the prayer of reinstatement as prayed in the Claim Petition?

5. *On Point:*

Petitioner himself examined as PW1. Ex.P1 to P6 were marked. Since respondent remained *ex parte*, PW1 not cross-examined.

6. *On the point:*

The Petitioner Workman has filed his chief examination affidavit reiterating his contention made in his Claim Petition as

- * He was working as a Driver in the Respondent company from 01-12-2014 and discharging his duties without any adverse remarks.
- * On 15-12-2018 HR of the Respondent company informed him orally that the Petitioner Workman was terminated from the employment and demanded to sign in the settlement receipt.
- * Respondent Company did not give any reply to the Petitioner for refusing employment.
- * The Petitioner Workman gave Petition before the Conciliation Officer against the respondent on 24-12-2018 and before the Labour Commissioner also on 29-04-2014.
- * In spite of repeated notice/summons, the respondent did not appear before either of them for the enquiry.
- * No Standing Order for the Respondent Company functioning with more than 100 employees. The Respondent Company used to suspend the employees without any reason.
- * The Respondent Company had obtained the signatures from the employees by using force and threat over the blank papers. The said act of the respondent is against the law and the Principles of Natural Justice.
- * It is a clear case of Unfair Labour Practices.

7. The Respondent Company despite notice from the Court served on him remained absent before the Court from the first hearing.

8. On perusal of the case records available before this Court, I could able to find that the Respondent company did not only appear before this Court, but, it also not appeared either before the Labour Officer (Conciliation) or Labour Commissioner, despite notices issued for appearance of the Respondent company for conciliation.

9. The Documents marked on the side of the Petitioner -Workman would show and substantiate the fact of absence of the Respondent company before all the abovesaid proceedings. The Photocopy of the Petition to the Conciliation Officer, dated 24-12-2018 (Ex. P1), the Photocopy of the summon, dated 27-02-2019, Ex. P2, the Photocopy of the Petition to the Labour Commissioner, dated 29-04-2019 (Ex.P3), the Photocopy of the before the Conciliation Officer by the Union, dated 30-09-2019 (Ex. P4), the Photocopy of the report by the conciliation, dated 17-06-2021 (Ex.P5); and the Photocopy of the Notice, dated 03-08-2021 (Ex.P6) were exhibited on the Petitioner Workman in support of his case.

10. In the report Ex.P5, it has been categorically mentioned by the Labour Officer (Conciliation) that, "enquiries were posted on various dates to reach an amicable settlement. The Petitioner has only appeared for the enquiries and the management has not turned up to attend the enquiry even a single day and the management has not filed any written statement about their stand in this regard. Following continues absent on the management side, the Petitioner has requested the conciliation authority to failure the issue and to take appropriate remedy over his claim".

11. The dispute raised by the Petitioner Thiru R. Ramesh Raja, Sedarapet, Puducherry against the management of M/s. Matrix Stampi Limited, Puducherry is for reinstatement. According to the Petitioner Workman, he was orally informed by the HR Manager of the Respondent company that he was terminated from service. So, no document filed to that effect.

12. Therefore, from all the exhibits *i.e.*, P1 to P6 this Court could clearly comes to the conclusion that the Respondent company never appeared before any forums such as Labour Officer (Conciliation), Puducherry, Labour Officer (Enforcement), Puducherry and before this Industrial Tribunal, despite several notices issued to the Respondent company for making appearance and submitting their side so, as to decide the industrial dispute.

13. As discussed above, I hold that Petitioner Workman has categorically proved its case by way of adducing oral evidence and by marking documentary evidences. The case of the Petitioner Workman has not been rebutted by the Management Company and it

remained absent. Therefore, from all angles this Court decide the point for determination in favour to the Petitioner Workman to the effect that Respondent company is directed to reinstatement the workman Mr. R. Ramesh Raja and thus, the industrial dispute referred is justified.

In the result, the industrial dispute raised by the Petitioner Workman is justified and the Respondent Management is hereby directed to reinstatement the workman Mr. R. Ramesh Raja with full back wages, Bonus for 2019, Salary for December 2018, Leave salary with continuity of service as prayed in the Claim Petition. No costs.

Dictated to the Stenographer, directly typed by her, corrected and pronounced by me in open Court on this the 30th day of August, 2022.

V. SOFANA DEVI,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

List of petitioner's witness:

PW.1 — 13-06-2022 Thiru R. Ramesh Raja

List of petitioner's exhibits:

Ex.P1 — 24-12-2018 Photocopy of the Petition to the Conciliation Officer.

Ex.P2 — 27-02-2019 Photocopy of the Notice of Enquiry/Conciliation.

Ex.P3 — 29-04-2019 Photocopy of the Petition to the Labour Commissioner, Government of Puducherry.

Ex.P4 — 30-09-2019 Photocopy of Petition by AIUTUC, to Labour Officer (Conciliation), Government of Puducherry.

Ex.P5 — 17-06-2021 Photocopy of the report by the Labour Officer (Conciliation), Government of Puducherry.

Ex.P6 — 03-08-2021 Photocopy of the Notification in G.O. Rt. No. 52/AIL/Lab./T/2021.

List of respondent's witnesses: Nil

List of respondent's exhibits: Nil

V. SOFANA DEVI,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Ms. No. 15/AIL/Lab./G/2022,
Puducherry, dated 21st July 2023)

NOTIFICATION

The following Draft of the Proposal for revision of minimum rates of wages payable to the employees employed in Chemical Industries in the Union territory of Puducherry, which the Lieutenant-Governor of Puducherry proposes to make in exercise of the powers conferred by clause (b) of sub-section (1) of section 3, read with sub-section (1) of section 13 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), is hereby published as required under clause (b) of sub-section (1) of section 5 of the said Act, for information of all the persons likely to be affected thereby and notice is hereby given that the said Draft Proposal will be taken up for consideration by the Government of Puducherry, after the expiry of sixty days from the date of publication of the said Proposal in the Official Gazette of Government of Puducherry.

2. Any objections or suggestions, which may be received from any person with respect to the Proposal before the expiry of the period specified above, will be considered by the Government of Puducherry.

3. Objections or suggestions should be addressed to the Secretary to Government, Labour Department, Puducherry.

DRAFT PROPOSAL

In exercise of the powers conferred by clause (b) of sub-section (1) of section 3, read with sub-section (1) of section 13 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Lieutenant-Governor of Puducherry, is pleased to revise the minimum rates of wages payable to the categories of employees employed in Chemical Industries in the Union territory of Puducherry, as specified in the Schedule hereunder:

EMPLOYMENT IN CHEMICAL INDUSTRIES
THE SCHEDULE

Sl. No.	Classes of employees	Minimum rates of wage per month (8 hours work per day)
(1)	(2)	(3)
₹		

Technical Staff

(1)	Technical Manager (Chemical/Mechanical/Electrical/Civil/Instrumentation).	17,750
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