



புதுச்சேரி மாநில அரசிதழ்

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அதிகாரம் பெற்ற வெளியீடு

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No.		Puducherry	Tuesday	12th		December	2023	

பொருளடக்கம்

SOMMAIRES

CONTENTS

	பக்கம்		Page		Page
தொழில் நீதிமன்றத் தீர்ப்புகள் ..	852	Sentence arbitral du Travail de Tribunal.	.. 852	Award of the Labour Court ..	852
அரசு அறிவிக்கைகள் ..	854	Notifications du Gouvernement ..	854	Government Notifications ..	854
ஒப்ப அறிவிப்புகள் ..	856	Avis d' appel d' offres	.. 856	Tender Notices ..	856
ஆபத்தான நிறுவனங்கள் ..	860	Etablissements dangereux	.. 860	Dangerous Establishments ..	860
சாற்றறிக்கைகள் ..	862	Annonces	.. 862	Announcements ..	862

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 102/AIL/Lab./T/2023,
Puducherry, dated 1st December 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 02/2018, dated 10-07-2023 of the Industrial Tribunal, Puducherry, in respect of the dispute between Mahatma Gandhi Maruthuvakalloori and Aaraitchi Niruvana Oppantha Thozhilalargal Vazhvurimai Sangam, Puducherry, against the Management of M/s. Mahatma Gandhi Medical College and Research Institute, Pillaiyarkuppam, Puducherry and IG Enterprises, Puducherry, over charter of demands 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. 20/9/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)

P. RAGINI,

Under Secretary to Government (Labour).

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

Present : Tmt. G.T. AMBIKA, M.L., PGDCLCF.,
Presiding Officer.

Monday, the 10th day of July, 2023.

**I.D. (T). No. 02/2018
CNR. No. PYPY06-000004-2018**

The President/Secretary,
Mahatma Gandhi Maruthuvakalloori
Matrum Aaraitchi Niruvana Oppantha
Thozhilalargal Vazhvurimai Sangam,
Puducherry.
No. 87, 4th Cross Street,
Moogambigai Nagar,
Reddiyarpalayam, Puducherry. . . Petitioner

Versus

1. The General Manager,
M/s. Mahatma Gandhi Medical College and
Research Institute,
Pillaiyarkuppam, Puducherry.

2. The General Manager,
M/s. IG Enterprises,
No. 93, Point Care Street,
Nellithope, Puducherry. . . Respondents

This Industrial Dispute coming on this day before me for final hearing in the presence of Thiruvallargal P.R. Thiruneelakandan and A. Mithun Chakravarthy, Counsels, for the Petitioner, Thiruvallargal L. Sathish, S. Ulaganathan, T. Pravin, S. Velmurugan, V. Veeraragavan and E. Karthik, Counsels, for the 1st Respondent, Thiruvallargal K. Velmurugan and P. Preethi, Counsels for the 2nd Respondent, upon perusing the case records, after having stood over till this day, this Court delivered the following:-

ORDER

This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 180/AIL/LAB/T/2017, dated 27-11-2017 of the Labour Department, Puducherry, to resolve the following dispute between the Petitioner and the Respondents, *viz.*,

(a) Whether the dispute raised by the Petitioner Mahatma Gandhi Maruthuvakalloori Matrum Aaraitchi Niruvana Oppantha Thozhilalargal Vazhvurimai Sangam, Puducherry, No. 87, 4th Cross Street, Moogambigai Nagar, Reddiyarpalayam, Puducherry, against the Management of M/s. Mahatma Gandhi Medical College and Research Institute, Puducherry and M/s. IG Enterprises, Puducherry, over charter of demands and reinstatement of suspended/terminated employees, is justified or not? If justified, what is the relief entitled to?

(b) 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 enquiry, Counsel for Petitioner present and represented no instruction. Petitioner not present. In spite of several adjournments and posting this case as last chance otherwise further orders will be passed. Hence, this Court is inclined to close this reference. In the result, this reference is closed for non-prosecution.

Written and pronounced by me in open Court on this the 10th day of July, 2023.

G.T. AMBIKA,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 103/AIL/Lab./T/2023,
Puducherry, dated 1st December 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 18/2020, dated 06-07-2023 of the Labour Court, Puducherry, in respect of dispute between M/s. The Pondicherry Co-operative Milk Producers' Union Limited, No. P. 1, Kurumampet, Puducherry and NRTUC, Thilarshpet, Puducherry, over promotion to the post of Operator for Thiru T. Ambalatharasu, Dairy Helper Grade-I 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. 20/9/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)

P. RAGINI,

Under Secretary to Government (Labour).

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

Present : Tmt. G.T. AMBIKA, M.L., PGDCLCF,
Presiding Officer.

Thursday, the 6th day of July 2023.

**I.D. (L) No. 18/2020
CNR. No. PYPY06-000051-2020**

T. Ambalatharasu,
Dairy Helper Grade -I,
The Pondicherry Co-operative Milk
Producers' Union Limited,
Vazhudavoor Road,
Kurumampet, Puducherry. . . Petitioner

Versus

1. The Managing Director,
M/s. The Pondicherry Co-operative Milk
Producers' Union Limited,
Vazhudavoor Road,
Kurumampet, Puducherry.
2. S. Rasu
3. R. Janarthanan

4. J. Baskaran
5. A. Subarayulu
6. A. Vishnu
7. R. Vinothkumar
8. S. Saranraj
9. M. Arunkumar
10. B. Chandru . . Respondents

This Industrial Dispute coming on 06-07-2023 before me for hearing in the presence of Thiruvalargal M. Veerappan and V.R. Aroumougam, Counsels, for the Petitioner, Thiruvalargal L. Swaminathan and I. Ilankumar, Counsels, for the Respondents and the Respondent remained *ex parte*, upon hearing the Petitioner sides, after perusing the case records, after having stood over till this day, this Court delivered the following:-

ORDER

This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 105/AIL/Lab./T/2020, dated 14-10-2020 of the Labour Department, Puducherry to resolve the following dispute between the Petitioner and the Respondents, *viz.*,

(a) Whether the dispute raised by the Petitioner Union NRTUC, Thilarshpet. Puducherry, against the Management of M/s. The Pondicherry Co-operative Milk Producers' Union Limited, No. P1, Kurumampet, Puducherry, over promotion to the post of Operator for Thiru T. Ambalatharasu, Dairy Helper Grade-I is 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 facts of the case of the Petitioner averred in the claim petition:*

The Petitioner was appointed as casual worker on 28-02-2005 and from the inception of joining the Respondent Management, he was working as Plant Operator and he possessed requisite qualifications and experience to hold the post of Operator in the Respondent Management. The Petitioner was appointed on regular basis as Dairy Helper in the year 2011. Since, he possessed requisite qualifications and experience to hold the post of operator in the Respondent Management, he raised objection for being appointed as Dairy Helper and made representations to the Respondent Management to appoint him as Operator instead of appointing him as Dairy Helper.

(ii) As per the office circular issued by the Respondent the seniority of the employee was fixed with the name of the employees and the said document was also filed along with the claim statement and it is found the Petitioner is the senior than other employees namely, the respondents as stated above.

(iii) Again in the year 2016, instead of giving opportunity to him and consider him for the post of Operator the Respondent Management promoted and appointed some of his juniors working as Dairy Helper below him as Operators, but, at the same time again he was promoted and posted as Dairy Helper Grade-I which is below the rank of Operator post and also attract lesser Pay Scale and therefore, he immediately made representations to the Respondent Management about his promotion at the lower cadre, but, no action was taken nor justified reason was explained by the Respondent Management about the denial of proper post to him.

(iv) As on date of promotion to him as Dairy Helper in the year 2016, there was at least 11 post of Operator vacant due to the reason that 11 employees who were working as Operators were promoted to the post of Operator Grade-I and out of the said vacancies, he is entitled to get the post of Operator.

(v) It is clear that the Respondent Management adopted unfair labour practice as he is the senior employee in the cadre of Dairy Helper, but, the Respondent Management promoted the Respondents Nos. 2 to 9 as per the name cited above as Operators and it is clear that the Respondent Management has indeed violated the seniority of the employees for considering for promotion to the highest post.

(vi) The Petitioner has made several representations on 08-06-2012, 05-07-2012, 24-09-2012, 24-07-2014, 18-05-2015, 02-03-2026 and on 14-12-2016 to the Respondent Management to consider his case for promoting to the post of Operator as his many juniors were already promoted to the post of Operator by giving preference to them without following seniority and choosing the juniors overlooking his seniority clearly attracted the violation of service conditions by the Respondent Management and also comes under the terms of unfair labour practices adopted by the Respondent Management.

(vii) The Petitioner has sent several representations to the Respondent Management, but, the 1st Respondent failed and neglect to take action on the said petitions. Hence, the Petition.

3. Notice served to both the Petitioner and Respondents. Petitioner appeared and engaged an Advocate to represent him. Though the Respondent has engaged his Advocate, but, not chosen to file its counter after sufficient time given by this Court. Neither Respondent Management appeared nor represented by its Counsel. Hence, the Respondent Management was set *ex parte* on 24-04-2023. Claim Petition filed by the Petitioner.

4. Respondent remained *ex parte* as counter not filed. Proof affidavit of Petitioner filed, he himself examined as PW1. Ex.P1 to P1 2 were marked.

5. On perusal of case records, it is found that this reference has been made with regard to the dispute raised by the Petitioner for promotion to the post of Operator. The records reveals that the Petitioner has filed claim statement, but, the Respondent has remained *ex parte*. The records further reveals that the Petitioner was examined in Chief and it is at this stage the Counsel for Petitioner has filed a letter stating that the Respondent has decided to give promotion to the Petitioner and therefore, the Petitioner wants to withdraw the claim statement. Today the Petitioner present and endorsed that he is withdrawing the claim statement. Hence, on recording the above this Court is inclined to dismiss the claim petition.

In the result, the reference is disposed and the claim petition is hereby dismissed as withdrawn.

Dictated to the Stenographer, directly typed by him, corrected and pronounced by me in open Court on this the 6th day of July, 2023.

G.T. AMBIKA,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

GOVERNMENT OF PUDUCHERRY
DEPARTMENT OF PERSONNEL AND
ADMINISTRATIVE REFORMS (PERSONNEL WING)

[G.O. Ms. No. 80/DP&AR-SS.II(1),
Puducherry, dated 28th November 2023]

NOTIFICATION

On attaining the age of superannuation, the following Superintendents shall retire from service with effect from the afternoon of 30-11-2023.