



புதுச்சேரி மாநில அரசிதழ்

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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 99/AIL/Lab./S/2023,
Puducherry, dated 30th November 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 04/2023, dated 21-08-2023 of the Labour Court, Puducherry, in respect of Dispute between the M/s. Nithya Packaging Private Limited, Puducherry and Thiru P. Sivaraman, over reinstatement along with attendant benefits 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 21st day of August, 2023.

I.D. (L). No. 04/2023
CNR. No. PYPY06-000030-2023

P. Sivaraman,
S/o. Pakkiri,
No. 13, Mariamman Koil Street,
Thirukanji Pet, Kilinjikuppam,
Villianur, Puducherry. . . Petitioner

Versus

The Managing Director,
M/s. Nithya Packaging Private Limited,
R.S. Nos. 258/1 and 258/2,
I.O.C. Gas Plant Road,
Othiampet Village,
Villianur Commune, Puducherry. . . Respondent

This Industrial Dispute coming on 21-08-2023 before me for final hearing in the presence of Thiru R. Ilancheliyan, Counsel, for the Respondent, and after perusing the case records, 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. 12/Lab./AIL/T/2023, dated 07-02-2023 of the Labour Department, Puducherry to resolve the following dispute between the Petitioner and the Respondent, *viz.*,

(a) Whether the dispute raised by the Petitioner P. Sivaramam, against the Management of M/s. Nithya Packaging Private Limited, Puducherry, over reinstatement along with attendant benefits 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. Today when the case came up for hearing, no representation on Petitioner side inspite of several adjournments. The Petitioner has not filed Claim statement inspite of posting as last chance. Therefore, this Court opines that there is no purpose to keep this reference pending without any progress.

In the result, this reference is closed for non prosecution.

Written and pronounced by me in open Court on this the 21st day of August, 2023.

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

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 100/AIL/Lab./T/2023,
Puducherry, dated 30th November 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 34/2023, dated 02-05-2023 of the Labour Court, Puducherry, in respect of the Dispute between the M/s. AJ Higher Secondary School, Puducherry and Thiru Baskaran, Villupuram, over to reinstate the petitioner in his original employment with full back wages, continuity in service and all other attendance benefits 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. V. SOFANA DEVI, M.L.,
Presiding Officer.

Tuesday, the 2nd day of May, 2023.

**I.D. (L). No. 34/2022
CNR. No. PYPY06-000105-2022**

Baskaran,
No. 88/1, Vinayagar Koil Street,
Kalinjikuppam and Post,
Villupuram. . . Petitioner

Versus

The Principal,
AJ Higher Secondary School,
Puducherry. . . Respondent

This Industrial dispute coming on 24-04-2023 before me for final hearing in the presence of Thjiruvalargal K. Velmurugan and P. Preethi, Counsels, for the Petitioner, Thjiruvalargal N. Kannan, I. Iankumar and M. Radjesvary, Counsels, for the Respondent, Respondent remained *ex parte* as counter not filed and after hearing the Petitioner side and perusing the case records, this Court delivered the following:

AWARD

This petition filed under section 2(A) of the Industrial Disputes Act, 1947 to direct the Respondent Management to reinstate the Petitioner in his original employment with full back wages, continuity in service and all other attendant benefits.

2. Brief facts of the case of the Petitioner

The Respondent Management was initially started an educational institution by name New Generation School situated at Kakayanthope, Ariyankuppam, Puducherry and thereby imparted high quality of education to its students. Due to overwhelming response from the public, the Respondent Management upgraded itself and started a new school during the year 2012 by name A J Higher Secondary

School at I.N. Palayam, Puducherry which is also well known for its high quality and standard education imparting for the students in Puducherry. The Respondent Management is getting enormous profits every year through the Tuition fees, Term fees. Transport fees and other miscellaneous fees from the students. The Respondent Management has engaged permanent teaching and non-teaching staffs in this regard.

(ii) That on 17-07-2017 Petitioner was appointed as Accountant-cum-Data Entry Operator by the Respondent Management to look after the audit and other financial related transactions in the AJ Higher Secondary School. The Respondent Management for the reasons best known to it, has not issued any appointment order to the Petitioner. The Petitioner was directly appointed by the Respondent Management and he was working under the direct control and supervision of Respondent Management and furthermore the Respondent is the paymaster of the Petitioner who used to pay the monthly salary through petitioner's Bank Account. Hence, the Employer and Employee relationship exists between the Petitioner and Respondent Management. Since, from the inception of his services, he was discharging his duties in a sincere and honest manner without any sort of black mark whatsoever. Initially the Petitioner received a sum of ₹ 15,000 per month as salary and the last drawn wage of the Petitioner during the year 2010 was at ₹ 16,088 per month.

(iii) The Respondent Management has given annual increment for only 1 year to the petitioner but failed to give any annual increment for the last 4 years, despite several requests of the Petitioner. The Petitioner has thus lead a miserable life with the meager income given by the Respondent Management to battle the heavy surge in the cost of living. The Petitioner was always loyal and honest to the Respondent Management and discharged his duties in a sincere and effective manner.

(iv) The shock and surprise on 29.01.2022 the Manager of the Respondent Management has orally instructed the Petitioner not to come for work hereafter without assigning any reasons. Though, the Petitioner has requested the Manager to revoke the oral termination explaining his financial conditions, the said Manager refused to heed to the Petitioner's requests. The Respondent Management without considering Petitioner's family background, past unblemished services of the Petitioner, legitimate requests of the Petitioner, *etc.*, was very adamant in

terminating the services of the Petitioner without following the Principles of Natural Justice. Till date the Petitioner remains unemployed and his whole family is starving to their daily bread. His last drawn wages in the Respondent Management is ₹ 16,088 per month.

(v) The Petitioner is a permanent regular workman who has rendered about 5 years of continuous unblemished service to the Respondent Management. This being so, the Respondent Management without issuing any show-cause notice, not conducting any domestic enquiry, without giving any written suspension/dismissal order arbitrarily on oral instruction terminated the services of the Petitioner Workman. The above act of the Respondent Management is illegal, unjust, invalid, improper and against the Principles of Natural Justice. The Petitioner was ever ready and willing to do his job, but it is the Respondent Management who has refused to give any sort of work to the Petitioner Workman from 29-01-2022 onwards. There is no fault or misconduct committed by the Petitioner against the Respondent Management and the Respondent Management with an ulterior motive terminated the service of the Petitioner Workman.

(vi) The cardinal principle under the labour jurisprudence that before inflicting punishment upon the delinquent employee, the Management is supposed to seek his explanation about the proposed punishment to the charge-sheeted employer and only thereafter, any punishment could be inflicted, Whereas in the case on hand, the Respondent Management has not followed the above mandatory procedure, but, straightway terminated the services of the Petitioner Workman.

(vii) Aggrieved by the act of the Respondent Management, the Petitioner through letters, dated 01-06-2022 has given representation to the Labour Officer (Conciliation), Puducherry, to intervene in this issue and thereby advise the Respondent Management to reinstate the Petitioner Workman in his original employment and provide him all statutory benefits. The Respondent Management officials after receipt of the notice from the Labour Officer (Conciliation), Puducherry, appeared before the conciliation enquiry and gave evasive reply with false allegations *vide* letter, dated 01-08-2022 and 27-09-2022. Since, the Labour Office could not reach amicable settlement between the parties. Hence, the claim for the reinstatement.

3. Notice served to both the Petitioner and Respondent. 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 04-04-2023. Claim Petition filed by the Petitioner.

4. Point for determination

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

5. On point

Respondent remained *ex parte* as counter not filed. Proof affidavit of Petitioner filed, he himself examined as PW1. Ex.P1 to P9 were marked.

6. On the point

The present ID in JD(L). 34/2022 filed by way of claim petition under section 2(A) of ID Act, 1947. According the Petitioner, he was appointed as Accountant-cum-Data Entry Operator on 17-07-2017 by the Respondent Management and since then he was working under the control and supervision of the Respondent Management on monthly salary paid by the Management to Petitioner's Bank Account. Initially the Petitioner received ₹ 15,000 per month as salary and last drawn wage during the year 2021 was ₹ 16,088 per month. No ESI, EPF implemented by the Respondent Management and no accounts for the same were created by the Respondent Management to extend the benefits to its employees. Initially annual increment granted but later on failed to give increments. On 29-01-2021 the Petitioner was orally instructed not to come to work without assigning any reasons. The Petitioner remained unemployed till date. The Respondent Management without issuing any show cause notice, conducting domestic enquiry and any written Suspension Order orally refused to give employment.

7. To substantiate that the Petitioner was an employee of the Respondent Management, on Petitioner side Ex.P5 the photocopy of the Conduct Certificate issued by the Respondent to the Petitioner Workman marked. On perusal of this document, I could find that the present Petitioner Workman namely, Baskaran was serving as Accountant-cum-Data Entry Operator in the Respondent Management from July 2017 till the date of the Certificate (22-12-2021). Ex.P6 the Photocopy of the Identity Card issued by the Respondent Management to the Petitioner also shown that Petitioner Workman was working under the Respondent School.

8. In addition to the above documents the Petitioner Workman has filed Ex.P7 to Ex.P9 are his Pay Slips for (September - 2021, October 2021 and November 2021 respectively) issued by the Respondent School. It also shows that his monthly salary is ₹ 16,088 Apart from this, on Petitioner Workman side the representation given to the Labour Officer (Conciliation), dated 01-06-2022 filed as Ex.P1 requesting for re-employment in the Respondent School. Ex.P2 is the reply given by the Respondent School before the Labour Officer (Conciliation). On perusal of Ex.P2, though the Respondent has raised some allegations against the Petitioner Workman has not chosen to appear before this Court to substantiate the same.

9. Notice was ordered by this Court to the Respondent School for its appearance. Respondent Management appeared but not chosen to file its counter. Several adjournments were given for filing counter by the Respondent Management. Despite the conditional order, the Respondent Management did not come forward to file its counter. Hence, the Respondent Management was set *ex parte* on 04-04-2022.

10. The allegations made in the reply Ex.P2 given by the Respondent Management before the conciliation proceedings were said to be occurred in 2020. Whereas, the Respondent Management refused employment for Petitioner Workman on 29-01-2022. Ex.P7 to P9 are the Pay Slips for the month of September 2021 to November 2024 respectively, produced by the Petitioner Workman to substantiate that he was in employment under the Respondent School till 2021. Therefore, from the available records Ex.P1 to Ex.P9 this Court finds that the Petitioner Workman has proved his case and the Respondent Management remained *ex parte* and has not filed its version of defence to shatter the claim and the evidence produced by the Petitioner, Therefore, from the above discussions and findings, I decide the point for determination in favour of the Petitioner workman.

11. 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. Baskaran with full back wages with continuity of service and all attendant benefits as prayed in the Claim Petition. With costs.

Dictated to the Stenographer, directly typed by him, corrected and pronounced by me in open Court on this the 2nd day of May, 2023.

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

List of petitioner's witness:

PW.1 — 18-04-2023 Thiru Baskaran

List of petitioner's exhibits :

Ex.P1 — 01-06-2022 Photocopy of the letter given by the Petitioner to the Labour Officer (Conciliation), Puducherry with acknowledgment.

Ex.P2 — 01-08-2022 Photocopy of the reply given by the Respondent Management to the Labour Officer (Conciliation), Puducherry.

Ex.P3 — 23-08-2022 Photocopy of the re-joinder of the Petitioner before the Labour Officer (Conciliation), Puducherry with acknowledgment.

Ex.P4 — 27-09-2022 Photocopy of the additional reply given by the Respondent Management to the Labour Officer (Conciliation), Puducherry.

Ex.P5 — 22-12-2021 Photocopy of the Certificate issued oRespondent to the Petitioner.

Ex.P6 — — Photocopy of the Identity Card issued by the Respondent to the Petitioner.

Ex.P7 — September, 2021 Photocopy of the Pay Slip of the Petitioner issued by the Respondent Management.

Ex.P8 — October, 2021 Photocopy of the Pay Slip of the Petitioner issued by the Respondent Management.

Ex.P9 — November, 2021 Photocopy of the Pay Slip of of the Petitioner issued by the Respondent Management.

List of Respondent's witness: 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. Rt. No. 101/AIL/Lab./S/2023,
Puducherry, dated 30th November 2023)

NOTIFICATION

Whereas, an Award in I.D (T) No. 13/2022, dated 11-08-2023 of the Industrial Tribunal, Puducherry, in respect of Dispute between the M/s. Soundararaja Mills Limited Nedungadu, Karaikal and the Union Worker Thiru F.Kennady, represented by Soundararaja Mills Thozhilargal Nalvazhu Sangam, Nedungadu, over non-payment of VRS benefits 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.

Friday, the 11th day of August, 2022.

**I.D. (T). No. 13/2022
CNR. No. PYPY06-000030-2023**

F. Kennady,
Rep. by Soundararaja Mills Thozhilargal
Nalvazhu Sangam, Kamarajar Salai,
Nedungadu, Karaikal. . . Petitioner

Versus

The Managing Director,
M/s. Soundararaja Mills Limited,
S.540, Kamarajar Salai,
Nedungadu, Karaikal. . . Respondent

This Industrial Dispute coming on this day before me for final hearing in the presence of Thiru N. Ramar, Representative, for the Petitioner, Thiruvallargal G. Jagadharaj, Counsel, for the 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. 54/Lab./AIL/T/2022, dated 01-04-2022 of the Labour Department, Puducherry, to resolve the following dispute between the Petitioner and the Respondent, *viz.*,

(a) Whether the industrial dispute raised by the Union Workman Thiru F. Kennady, represented by Soundararaja Mills Thozhilargal Nalvazhu Sangam, Nedungadu, against the Management of M/s. Soundararaja Mills Limited, S540, Kamarajar Salai, Nedungadu, Karaikal, over non-payment of the VRS amount of ₹ 1,50,000 to Thiru F. Kennady as per clause 7 of the 12(3) Settlement, dated 26-08-2008 is justified or not?

(b) If justified, what relief Thiru F. Kennady is entitled to?

(c) 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 pending I.A., IA.02/2023 is closed. Petitioner and counsel for Respondent present. The Petitioner filed memo stating that the Petitioner is withdrawing the Industrial Dispute. The Petitioner further contended that as per 12(3) settlement the management agreed to pay ₹ 1,50,000 if the employees opt for VRS and therefore claiming the said amount Industrial Dispute was raised, but, now the Petitioner does not want to proceed with Industrial Dispute(T) 13/2022, but, on the other hand wants to initiate proceedings under section 33(C)(1) of Industrial Dispute Act.

3. The learned Counsel for Respondent submitted that though the Petitioner can be permitted to withdraw the above Industrial Dispute but cannot be given liberty to file fresh case thereafter.

4. This Court finds that it is the case of Petitioner workman that he is entitled for ₹ 1,50,000 based on 12(3) Settlement and therefore, he wants to withdraw the above Industrial Dispute and to resort for his remedy under Section 33(1) (C) of Industrial Dispute Act.

5. This Court further finds that being workman it is for the workman to decide under which of the legal resort he can sort out his remedy. Therefore, simply because the present Industrial Dispute is permitted to be withdrawn cannot be a bar to grant liberty for filing a fresh case. Hence this Court on recording the memo is inclined to dismiss the Industrial Dispute raised by the Petitioner.

In the result, the memo filed by Petitioner is recorded and Industrial Dispute(T) No. 13/2022 is dismissed on withdrawn with liberty to file fresh case under the provisions applicable to Petitioner. There is no order as to costs.

Written and pronounced by me in open Court on this the 11th day of August, 2023.

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