



புதுச்சேரி மாநில அரசிதழ்

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பொருளடக்கம்

SOMMAIRES

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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 104/AIL/Lab./T/2023,
Puducherry, dated 1st December 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 4/2016, dated 18-05-2023 of the Labour Court, Puducherry, in respect of the industrial dispute between the management of M/s. MAS Computer Forms, PIPDIC Industrial Estate, Mettupalayam, Puducherry and Thiru N. Punniyakodi, over non-employment and other settlement 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 23-5-1991, 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.

Thursday, the 18th day of May, 2023

I.D. (L) No. 04/2016
CNR. No. PYPY06-000038-2016

N. Punniyakodi,
S/o. Nagappan,
No. 7, Solai Nagar,
Muthialpet,
Puducherry.

.. Petitioner

Versus

The Managing Director,
MAS Computer Forms,
C-91, 16th Cross,
PIPDIC Industrial Estate,
Mettupalayam, Puducherry.

.. Respondent

This Industrial Dispute coming on 16-05-2023 before me for final hearing in the presence of Thiruvalargal A. Kanniappan and K. Balaji, Counsels for the Petitioner,

Thiru B. Mohandoss, Counsel for the Respondent, and after hearing the both sides 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. 25/AIL/Lab./T/2016, dated 21-04-2016 of the Labour Department, Puducherry, to resolve the following dispute between the Petitioners and the Respondent, *viz.*,

(a) Whether the dispute raised by Thiru N. Punniyakodi, against the Management of M/s. MAS Computer Forms, PIPDIC Industrial Estate, Mettuapalaym, Puducherry, over his non-employment and other settlement benefits are 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 averred in the petition

(i) The Petitioner was working as Supervisor from the year 1990 in M/s. Vetri Carbons which is a manufacture of Carbon Papers. The said company M/s. Vetri Carbons was later renamed as Ganesh Carbons, Ganesh Computer Carbons and lastly as Hayagriv Carbons. The said company M/s. Hayagriv Carbons was purchased in the year 2002, by the Respondent Company. The Managing Director of Respondent Company called the Petitioner and asked him to continue to work in Hayagriv Carbons and assured to pay the salary that the Petitioner was drawing earlier. The Petitioner continued to work as Supervisor in Hayagriv Carbons. Suddenly in the month of December 2009, the said Hayagriv Carbons was closed and the Respondent called the Petitioner and orally informed him that Petitioner's service stand terminated with effect from 31-12-2009. No reasons for the termination and no notice of termination to the Petitioner sent Considering his family situation and having no other option, the Petitioner gave a resignation letter under coercion, but, the Petitioner continued to work in the Respondent Company from 01-01-2010 and collected the outstanding dues to both Hayagriv Carbons and MAS Computer Forms company from its customers such as Girija Enterprices, Sakthi Traders, Sindhu Agencies, S.S. Computers and Yasmin Traders. The Respondent paid salary to the Petitioner only till December 2009.

(ii) In the year 2012, MAS Computer Forms was closed and the Managing Director of the Respondent Company paid retrenchment benefits and other benefits such as Gratuity, Bonus, *etc.*, and retrenched other employees and co-workers of the Petitioner. The Respondent assured that he will not terminate the service of the Petitioner and requested the Petitioner to look after the collection of outstanding dues of MAS Computers. Believing his words, the petitioner continued to work in Respondent Company and collected the company's outstanding dues till 2013. After collection work was over, when the Petitioner approached the Respondent for job and arrears of salary from January 2010, the Respondent refused to give any job and stated that Petitioner stands terminated from service. The Petitioner is 56 years old and he is unable to secure a job due to his age. The Petitioner was last drawing a salary of ₹ 9,500+₹ 1,850 as House Rent Allowance till December 2009. The Petitioner gave a Police complaint dated 07-11-2013 against the Respondent, but, the Police advised the Petitioner to approach the Labour Department or Court and issued Non-Cognizance Report dated 13-11-2013.

(iii) The Petitioner gave petition to the Labour Officer (Conciliation) on 18-12-2013 and 15-07-2014. But, since the Respondent did not appear before the Labour Officer, the Conciliation talks failed. Therefore, the Petitioner prayed that this Court may be pleased to pass an order directing the Respondent to reinstate the Petitioner in service with back wages from January 2010 till date of reinstatement and directing the Respondent to regularize the services of the Petitioner. Hence, the petition.

3. The brief averments of the counter filed by the Respondent is as follows

The business establishment MAS Computer Forms is only a partnership firm of which Thiru K. Mohan and Thiru Sengupta are partners and it is not a private limited company. As such the cause title of the Respondent establishment as described by the Petitioner is wrong and needs rectification. The Respondent has no knowledge about the "Petitioner's working as Supervisor from the year 1990 in M/s. Vetri Carbons and his subsequent employment under Ganesh Carbons and Ganesh Carbons as the Management of the Respondent establishment had nothing to do with the said establishments. When, the Petitioner approached the Conciliation Officer through representation dated 18.02.2013, he stated that he had been employed in Hayagriv Carbons from the year 1990 onwards which was an utter lie.

As such the Respondent filed reply version, dated 22-03-2014 to the Conciliation Officer pointing out that the Industrial undertaking by name Hayagriv Carbons was started only in the year 1997 (*vide* Permanent Registration Certificate No. 590306028 dated 11-12-1998, issued by Director of Industries, Pondicherry) and the date of commencement of production of the above industry was 29-12-1997. When, the above facts were proved by the Respondent before the Conciliation Officer, the Petitioner accepted the same. That is why before this Court, he has not taken the plea that he was employed in Hayagriv Carbons from the year 1990 onwards.

(ii) The Industrial undertaking by name Hayagriv Carbons was taken over by the new Management on 16-08-2002 in which Mr. Jayaraman and Mrs. Kalpana Mohan were partners which was originally conducted by Mr. Jayaraman alone. As per the records maintained by the said undertaking, the Petitioner N. Punniyakodi was employed only from 16-08-2002 onwards upto 31-10-2009. After closure of the undertaking Hayagriv Carbons, its machineries were purchased by MAS Computers Forms and only because of the trade relationship between the Hayagriv Carbons and MAS Computer Forms, the Petitioner Punniyakodi was given employment in MAS Computer Forms from 01-11-2009, on humanitarian grounds. The Petitioner Punniyakodi did not come for employment after 31-12-2009 and he did not submit any leave letter nor did he give any information to the Respondent Management regarding his absence subsequently. The Petitioner submitted letter of resignation dated 13-01-2010 requesting the Management to settle his accounts as he had to go to his native Village and requested the Management to settle his accounts by payment of the amounts due in his account to his wife P. Selvi. The Petitioner used to collect the dues from the various customers until he left his employment but he has not handed over the amounts collected from the customers to the Respondent.

(iii) The Management is not at fault in termination of employment, as the Petitioner voluntarily choose to put an to his employment by submitting his resignation. The management has paid the arrears of Wages, Leave Salary and other allowances due to him. However, his termination benefits could not be granted on account of his obligation to pay the amounts due to the company. The Respondent establishment was closed in the year 2012, but, the Petitioner has made several mis-statement of facts in this regard. The Respondent would like to submit

that in accordance with the provisions of the Industrial Disputes Act, 1947, it issued closure notice and closed the Industry with effect from 11-06-2012. It was challenged by the Registered Trade Union, namely, the Pondicherry Branch of INTUC through representation dated 19-06-2012. Thereafter the Conciliation proceedings were initiated by the Labour Officer (Conciliation) which ended in settlement under section 12(3) of the ID Act resulting in Payment of compensation to all the 22 workmen who were in the payrolls of the Respondent Establishment. Since, the Petitioner's service with the Respondent Establishment came to an end on 31-12-2009 itself by virtue of his resignation, the notice of closure did not refer to him. The abovesaid Trade Union did not include the name of the Petitioner in the list of employees eligible to get closure compensation. The Petitioner is estopped from disputing the resignation letter, he having requested the Respondent to settle his accounts by paying the same to his wife and it was acted upon by the Management.

(iv) There is no question of reinstatement of the Petitioner with back wages as there was no termination of services of the Petitioner by the Respondent. Granting of the relief of reinstatement is not possible as the very establishment is not in existence, it having been closed in the year 2012 itself. Similarly, the prayer for regularizing the services of the Petitioner deserves dismissal as a person can be regularized only in a post which he holds. Hence, the claim petition is liable to be dismissed.

4. The brief averments of the additional counter filed by the Respondent is as follows

Recently, the Respondent company has some to know that the Petitioner did not come for employment from January 2010 onwards only on account of his active involvement in the business of sale of one time carbon paper under the name and style of Lakshmi Hayagriv Carbons. His wife Selvi being its sole proprietor. The above business place is the same in which originally establishment Hayagriv Carbons dealing with one-time carbon paper was run until 31-10-2009. The Petitioner was engaged in the business activities in connection with Lakshmi Hayagriv Carbons from the year 2010 onwards. But, the Petitioner has suppressed the same and has made a fraudulent claim against the Respondent for reinstatement with back wages, alleging the employment under the Respondent until the year 2013. The Respondent would like to point out that the Petitioner has made a false claim with the ulterior motive of getting unjust enrichment.

5. Reply Statement filed by the Petitioner side on 11-07-2022.

6. Industrial Dispute was taken on file under the reference made by the Labour Department, Government of Puducherry, over non-employment and other settlement benefits. Both parties appeared in this industrial dispute. Claim statement filed. Counter also filed. In enquiry, PW1 was examined in Chief. No exhibits were marked on the side of the Petitioner. Cross examined. When, the matter is posted for further Petitioner side evidence, as he did not produce further witnesses on his side, it was closed by this Court on 11-10-2019. While, the matter was pending for Respondent side evidence, petition to receive additional counter filed in I.A. 02/2020 and same was allowed on 11-05-2020. Additional counter received. Reply statement filed on 11-07-2022. Opportunities for adducing additional evidence given. On Petitioner side endorsement made as No additional evidence. Respondent side evidence closed by this Court on 12-09-2022 as sufficient opportunities given to the Respondent side. On petition, Respondent side reopened as per the order passed in LA. 05/2023. RW1 examined. Ex. R1 to R13 marked. RW1 cross partly done. When, the matter was posted for cross continuation of RW1, the matter has been settled between the parties and the Joint Compromise Memo entered between them and same filed before this Court.

7. Heard both on 11-05-2023. Joint Compromise Memo filed and submitted by both the Counsels appearing for the parties of this Industrial Dispute that Petitioner agreed to receive a sum of ₹ 60,000 towards full and final settlement of the claim, payable by the Respondent in 12 monthly installments of ₹ 5,000 per month on or before 15th of every month. In view of the Joint Compromise Memo and the submissions made by both the parties and their respective Counsel. Award is passed to the effect that Industrial Dispute is closed as settled between the parties as per Joint Compromise Memo, dated 11-05-2023. The said Joint Compromise Memo, dated 11-05-2023 entered between the parties shall form part and parcel of the Award. No costs.

Dictated to the Stenographer, directly typed by him, corrected and pronounced by me in open Court on this the 18th day of May, 2023.

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

List of petitioner's witness:

PW.1 — 07-03-2018 Thiru N. Punniyakodi

*List of petitioner's exhibits : Nil**List of Respondent's witness:*

RW1 — 24-01-2023 Tmt. Bhuvanewari, Ex. Executive, H.R., Department of Respondent Management.

List of Respondent's Exhibits:

Ex.R1 — 11-12-1998 Photocopy of the Permanent Registration Certificate.

Ex.R2 — 11-12-1998 Photocopy of the Certificate of Commencement of] business in respect of establishment Hayagriv Carbons.

Ex.R3 — 31-12-2002 Photocopy of the Deed of Partner between the Partners in respect of the Firm Hayagriv Carbons.

Ex.R4 — 01-08-2003 Photocopy of the Partnership Retirement Deed between the Partners in respect of the Firm Hayagriv Carbons.

Ex.R5 — — Photocopy of the ESI Corporation declaration form relating to the Petitioner showing his date of appointment in the Respondent as 01-11-2009.

Ex.R6 — — Photocopy of the Salary Statement for the month of December 2009 in respect of Employees of the Respondent.

Ex.R7 — 13-01-2010 Photocopy of the Resignation letter submitted by the Petitioner to the Respondent.

Ex.R8 — Photocopy of the Allowance Statement for the months of December 2009 to January 2010.

Ex.R9 — 13-01-2010 Photocopy of the Cash/ Bank Debit Voucher for settling Leave Salary of the Petitioner by the Respondent.

Ex.R10 — 14-08-2009 Photocopy of the Invoice raised by Hayagriv Carbons in favour of Mrs. Yasmeen Traders.

Ex.R11 — — Photocopy of the TIN verification in respect of business of Lakshmi Hayagriv Carbons.

Ex.R12 — — Photocopy of the letter, dated 13-01-2014 sent by the Labour Officer (Conciliation) to the Respondent enclosing copy of the representation dated 18-12-2013 of Petitioner.

Ex.R13 — 26-04-2014 Photocopy of the reply submitted by the Respondent to the Labour Officer (Conciliation).

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

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 105/AIL/Lab./T/2023,
Puducherry, dated 1st December 2023)

NOTIFICATION

Whereas, an Award in I.D (T) No. 22/2022, dated 15-05-2023 of the Industrial Tribunal, Puducherry, in respect of Dispute between the "Gencor Pacific Auto Engineering Thozhilalargal Naam Thamizhar Thozhirsangam", against the management of M/s. Gencor Pacific Auto Engineering Private Limited, Puducherry, over unfair labour practice to Transfer of Thiru T. Jayakumar 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.

Monday, the 15th day of May 2023.

**I.D. (T) No.22/2022
CNR. No. PYPY06-000044-2022**

The President/Secretary,
Gencor Pacific Auto Engineering
Thozhilalargal Naam Thamizhar
Thozhirsangam,
(Reg. No. 1887/RTU/2021),
No. 21, Bank Street, Thirubuvanai,
Puducherry. . . Petitioner

Versus

The Managing Director,
M/s. Gencor Pacific Auto Engineering
Private Limited,
Plot No. A-25, PIPDIC Industrial Estate,
Electronic Park, Thirubuvanai,
Puducherry. . . Respondent

This Industrial dispute coming on 20-04-2023 before me for final hearing in the presence of Thiruvalargal K. Velmurugan and P. Preethi, Counsels for the Petitioner, Thiruvalargal L. Sathish, T. Pravin, S. Velmurugan, E. Karthick, S. Sudarsanan and E. Madhivanan, Counsels for the Respondent, and after hearing the both sides 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. 43/Lab./AIL/T/2022, dated 21-03-2022 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's Union "Gencor Pacific Auto Engineering Thozhilalargal Naam Thamizhar Thozhirsangam", against the Management of M/s. Gencor Pacific Auto Engineering Private Limited, Thirubuvanai, Puducherry, alleging that the Management has indulged in unfair labour practice, against the Union over transfer of Thiru T. Jayakumar, Secretary of the Union by way of victimization is legal and justified? If justified, to give appropriate direction to what remedies to be entitled in this dispute?

(b) Whether the demand of the said Union over non-recognition of Trade Union by the Management of M/s. Gencor Pacific Auto Engineering Private Limited, Puducherry is justified or not? If justified, to give appropriate direction.

2. *Brief facts of the case of the Petitioner averred in the claim petition:*

On 28-12-2009 the Petitioner was appointed as Operator by the Erstwhile management of G.J. Engineering. Later the Management of G.J. Engineering was taken over by the present Respondent *i.e.*, M/s. Gencor Pacific Auto Engineering Private Limited and considering the unblemished services of the Petitioner, the Respondent management absorbed by the Respondent in its company *vide* transfer-*cum*-revised appointment letter, dated 21-01-2011. The Petitioner along with other workmen in the factory took initiative to start a Trade Union during the month of April, 2021 and thereby Trade Union by name M/s. Gencor Pacific Auto Engineering Thozhilalargal Naam Thamizhar Thozhir Sangam was registered before the Registrar of Trade Union, Puducherry *vide* Registration No. 1887/RTU/2021.

(ii) The Plant head of the Respondent Factory started threatening the office bearers and other members of Petitioner's Union saying that he will transfer them to some other unit if they continue the Trade Union activities any more further. The act of the Respondent Management in curbing the lawful trade union activities of the Petitioner Union is unjustifiable, improper and illegal. An Advocate notice, dated 10-06-2021 addressed both to the office of the Labour Commissioner, Puducherry and to the Plant Head of the Respondent Factory. Subsequently, the Petitioner Union has given charter of demands to the Plant Head of the Respondent Factory but he willfully refused to receive the same. The Petitioner has sent another Advocate notice, dated 21-06-2021 along with the charter of demands so as to hold negotiation talks and thereby to arrive an amicable settlement. The Respondent issued a reply notice, dated 23-06-2021 with false and frivolous allegations. The Petitioner Union has also given their representation, dated 21-06-2021 to the Labour Officer (Conciliation), Puducherry, raising various charter of demands and thereby initiated the present Industrial Dispute.

(iii) Pending Conciliation proceedings, the Respondent with a *mala fide* intention and without any administrative exigencies has issued transfer order, dated 02-07-2021 to the Petitioner on 05-07-2021 through registered post and ordered the

Petitioner to report to duty at Oragadam Unit, Chennai from 07-07-2021 onwards without any breathing time and thereby altered the service conditions of the Petitioner discarding the provisions of Industrial Dispute Act.

(iv) The Petitioner has filed Writ Petition before the Hon'ble High Court of Madras under W.P. No. 16148/2021 against the illegal transfer of the Respondent Management. The Hon'ble High Court of Madras on 03-08-2021 has granted interim injunction till 24-08-2021 against the Respondent Management from altering the service conditions. The Hon'ble High Court *vide* Order, dated 26-08-2021 has held that "if at all the 3rd Respondent/Management intends to alter the service conditions of the members of the Petitioner Union, such an action shall be in accordance with law".

(v) Meanwhile domestic enquiry proceedings were conducted from 12-08-2021 onwards. Domestic enquiry was not conducted in a fair and proper manner. The Enquiry Officer without proper appreciation of oral and documentary evidences let-in by the Petitioner has mechanically submitted his enquiry report, dated 31-12-2021 to the Management concluding that most of the charges against the petitioner were duly proved. The Respondent Management *vide* letter, dated 06-01-2022 sought explanation from the Petitioner workman furnishing a copy of the enquiry report. The Petitioner has sent letter, dated 10-01-2022 through registered post to the Plant Head of the Respondent Management informing him that he has received the letter, dated 06-01-2022 by registered post only on 08-01-2022 alone and his Trade Union advisor was out of station due to his personal works and hence the Petitioner sought 15 days time to submit his detailed explanation.

(vi) The Petitioner Workman has submitted his explanation letter, dated 20-01-2022 refuting all the charges levelled against him. The Respondent Management has issued Dismissal order, dated 22-01-2022, against the Petitioner and thereby imposed major punishment of Termination of services. The Petitioner Union has raised the present Industrial Dispute before the Labour Officer (Conciliation) Puducherry, over illegal transfer of the Petitioner Workman by the Respondent Management. The Labour Officer (Conciliation) submitted his failure report on 03-02-2022, following which the Government of Puducherry, through the Labour Department has made the reference of the dispute. Hence, the petition.

3. *The brief averments of the counter filed by the Respondent is as follows:*

Law thus, clearly mandates a trade union to have atleast 10% of total strength of workers engaged in any establishment or industry as its members for it to function as Trade Union and when the Trade Union loses such requisite numbers, its registration is required to be cancelled under section 10(c) of Trade Unions Act. Petitioner does not represent even two or three workers of Respondent and hence, it has no locus to seek recognition. Respondent has already initiated steps for cancellation or registration of Petitioner *vide* its letter, dated 13-11-2021.

(ii) The Petitioner doesn't have the *locus standi* to continue functioning as a Trade Union for it to raise any industrial dispute. Petitioner in its claim petition has not even pleaded the dates on which it sought management's recognition and the date when Respondent denied it. For an industrial dispute to be referred to this Court for adjudication, there must have been a demand made by the Union and it must have been, denied by the Respondent Management.

(iii) First of all, the allegation of unfair labour practice cannot be raised as an industrial dispute for adjudication before this Court. That there was absolutely no *mala fide* intention on the part of the Respondent in transferring Mr. Jayakumar to its Unit No.1 to Oragadam, Chennai. It is true that Petitioner Union got itself registered on 24.05.2021. However, the intimation about formation of the trade union was never given by the Petitioner directly. It received such intimation only in July 2021 when the Respondent received the original registration certificate from the Labour Department and a notice from Petitioner's Advocate, dated 21-06-2021. Charter of demands, demanding wage revision and other benefits, even without holding the bare minimum representative capacity and that too at a time when the entire world was grappling with Covid and Nationwide lockdown. The Petitioner also issued a legal notice, filed writ petition and created all possible troubles to the respondent to ensure that Respondent factory do not function smoothly.

(iv) The transfer of T. Jayakumar has absolutely no links or connection with the formation of Union or any of the disputes raised by its Office bearers. The transfer was purely innocuous for administrative reasons and it was well within the powers of the Respondent to transfer T. Jayakumar. He was in fact transferred only because his service were required at Oragadam unit of the Respondent. The transfer was purely for administrative reasons and in terms of contract of employment between Respondent and T. Jayakumar.

(v) Clause 1 of terms and condition of Mr. Jayakumar's letter of appointment, dated 21-01-2011 as "Your (Petitioner) initial place of work will be at our factory at PIPDIC Industrial Estate, Thirubuvanai, Puducherry. However, the Management of the company reserved its right to transfer or depute you to any of its branches or factories or its group companies in India or abroad at its sole discretion and at its own terms irrespective of them existing on the date of your appointment or not or established thereafter. You may be given adequate notice and helped to transit depending upon the needs and demands of the circumstances".

(vi) Mr. T. Jayakumar, who is an education youth and who have previously worked in another organization had read the entire offer of engagement, understood scope of his employment, accepted the same without demur or reservation by signing the appointment order. Thus, the Petitioner was fully aware that his job is transferable depending upon the requirements of other units of Respondent. Therefore there was absolutely no ill will or ill intentions in transferring the Petitioner T. Jayakumar. Transfer is an incident of service and the Petitioner is liable to serve at all such places where the Respondent needs his services and merely because Petitioner union had raised a charter of demand and Mr. T. Jayakumar happened to be a Secretary of the Union, it does not proscribes the Respondent from transferring him as per the terms of employment, especially, when his presence was required at that point of time.

(vii) There is absolutely no *mala fides* in transfer of Mr. T. Jayakumar as it has been done only in terms of contract of employment with the Petitioner. The contention of Petitioner that Mr. Jayakumar was thereafter dismissed from service after a full fledged domestic enquiry for his failure to receive the transfer order and reporting to duty at the place of transfer is not only false but totally irrelevant for the purpose of this dispute. Hence, the claim petition is liable to dismissed.

2. Notice served to both parties. Petitioner and Respondent appeared through their Counsel. Claim Statement filed. Counter also filed. The matter has been posted to 09-05-2023 for enquiry. On 03-05-2023 an application to advance the hearing filed by the Respondent Counsel. The said application allowed on 04-05-2023 as there was no objection on the Petitioner side. Hence, hearing was advanced to 04-05-2023 from 09-05-2023.

3. On 04-05-2023, both parties present with their respective Counsel. Memo filed by the Petitioner to record the settlement under section 18(1) of the ID Act.

The said Settlement also enclosed along with hearing advance petition. Heard both on the settlement. Copies of the Identity proof filed by the parties. In the memo filed by the Petitioner requested for close the Industrial Dispute as settled out of Court. In which notice has given to the Respondent. In the said notice the Respondent Counsel submitted as the matter is comprehensively settled. Reference cannot be closed and requested to pass an Award in terms of under section 18(1) Settlement. Matter is posted on 10-05-2023 for hearing both the Counsel.

4. Heard both on 10-05-2023. In view of the memo and the settlement ended between the parties under section 18(1) of Industrial Disputes Act, Award is passed to the effect that Industrial Dispute is closed as settled between the parties under section 18(1) of Industrial Disputes Act. The Settlement, dated 02-05-2023 entered between the parties under section 18(1) of the Industrial Disputes Act, 1947 shall form part and parcel of the Award. No costs.

Dictated to the Stenographer, directly typed by him, corrected and pronounced by me in open Court on this the 15th day of May, 2023.

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

List of petitioner's witness: NIL

List of petitioner's exhibits: NIL

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. Rt. No. 97/Lab./AIL/T/2023,
Puducherry, dated 29th November 2023)

NOTIFICATION

Whereas, the Government is of the opinion that an industrial dispute has arisen between the management of M/s. Ravikumar Distilleries Limited, Katterikuppam, Puducherry and All India United Trade Union Centre, over payment of Bonus for the year 2019-20 to Thiruvalargal S.Vinayagamurugan and 40 other Workmen in respect of the matter mentioned in the Annexure to this order;