



புதுச்சேரி மாநில அரசிதழ்

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அதிகாரம் பெற்ற வெளியீடு

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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 167/AIL/Lab./T/2022,
Puducherry, dated 15th December 2022)

NOTIFICATION

Whereas, an Award in I.D (L) No. 19/2018, dated 29-08-2022 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the industrial dispute between the management of M/s. Abirami Soap Works, Puducherry and Thiru C. Sellakannu, Sembiyapalayam, 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 23-05-1991, 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 29th day of August 2022.

I.D. (L) No. 19/2018

in

CNR. No. PYPY06-000109-2018

C. Chellakannu,
S/o. Chinnathambi,
No.27, Mariammal Koil Street,
Sembiyapalayam,
Puducherry - 605 110.

. . Petitioner

Versus

The Managing Director,
M/s. Abirami Soap Works,
R.S.Nos. 93/1A, 18 and 2,
Sembiyapalayam,
Puducherry.

. . Respondent

This Industrial Dispute coming on 25-08-2022 before me for final hearing in the presence of Thiru S. Ashok Kumar, Counsel for the Petitioner and Thiru R. Ilancheliyan, Counsel for the respondent, upon hearing both sides, perusing the case records, after having stood over for consideration till this day, this Court delivered the following:

AWARD

This Industrial Dispute has been referred by the Government as per the G.O. Rt.No. 42/AIL/Lab./T/2018, dated 19-03-2018 for adjudicating whether the industrial dispute raised by the Petitioner Thiru C. Sellakannu, s/o. Chinnathambi, Sembiyapalayam, Puducherry against the Management of M/s. Abirami Soap Works, Sembiyapalayam, 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 averments made in the claim Statement of the Petitioner are as follows:*

(i) For the past 14 years as permanent worker the Petitioner was a worker in the respondent company, i.e., M/s. Abirami Soap Works, Puducherry, which is one of the soap manufacturing industry functioning at Puducherry. The respondent with arbitrary power kept the workmen at his mercy depriving of the appointment order, status and privileges of the permanent workmen and such act comes under unfair labour practice on part of the respondent as per the provisions of the Industrial Disputes Act.

(ii) The Respondent issued show cause notice on 05-07-2016 for flimsy reason which is utterly false and fabricated, the explanation was submitted by the Petitioner on 08-07-2016. The Respondent dissatisfied with explanation issued the charge-sheet on 13-07-2016 and initiated enquiry instantaneously on 15-07-2016 without any breathing time. As a result of the enquiry, the Petitioner was found guilty, then the Petitioner was terminated from service on 29-11-2016. Petitioner addressed a letter to the General Manager for employment, when the letter was refused the Petitioner sent the same through registered post on 30-11-2016. On 01-12-2016, the Petitioner Workman again sent a remainder to the respondent, even then the Petitioner received no reply from the management.

(iii) Violation of Principles of Natural Justice in the enquiry proceedings:

(a) In the enquiry proceedings the Enquiry Officer acted unilaterally in support of the management, he refused to record the statements and evidence of the Petitioner. When this was agitated by the Petitioner several times, the Petitioner even endorsed the same in the proceedings. So this Act of the Enquiry Officer prevented the Petitioner to bring out the truth.

(b) The management issued the charge-sheet on 13-07-2016, on the same day the Enquiry Officer issued the notice of enquiry. The enquiry was initiated on the next day, *i.e.*, on 15-07-2016 without any reasonable time of notice. The methods adopted by Enquiry Officer is very hard and no justice finds place in it. She acted for the benefit of the Management all along the enquiry proceeding. There is no fair play of justice in the enquiry proceedings.

(c) The main object of the enquiry is to put out the workmen who indulged in Union activities, which displeased the management. The punishment is also not as per the standing orders, the whole proceedings is only to put out the Workman.

(iv) The Petitioner raised conciliation on 28-06-2017. On receipt of the representation, Conciliation was initiated and ended in failure and therefore, he came before this Court on reference.

3. *The brief averments of the counter filed by the respondent are as follows:*

Pending appeal against the Award passed in I.D., Petitioner Workman has reinstated on 09-03-2015. From the first day of reinstatement, the Petitioner Workman was indulging in misconduct. Since appeal pending before Hon'ble High Court, Management waited with patience and no action taken against the Petitioner Workman. As all workers, the Petitioner Workman has to handover the mobile phone to the security, after signing in the attendance. But, Petitioner Workman refused do so and picked up quarrel with a security. He also threatened the security with dire consequences. Notice issued by the Management to the Petitioner in this regard. But, no reply from the Petitioner workman. He used to give irresponsible reply in a non-cogent manner. Often, Petitioner workman would enter into the security room, sitting there for several hours, picking unwanted quarrel the security obstructing them from doing their worker and thus constitute misconduct. Apart from this, Petitioner workman was using filthy languages towards the lady security, quarrel with her, obstructing to do her duty and also threatening her as she would be sexually assaulted with the help of Petitioner's friends. A show cause notice issued by the management to the Petitioner workman calling for suitable explanations. The reply of the Petitioner workman was not satisfactory. So, domestic enquiry was initiated to find out the truth. Domestic enquiry conducted in a fair, free and by following the principles of natural

justice. In the said domestic enquiry, charges against the Petitioner workman were proved. Based on the domestic enquiry report, the Petitioner workman was terminated by the management. Though the Petitioner workman has given sufficient time to explain his side, to examine witnesses, to produce documents to support his defence, Petitioner workman failed to utilize the above opportunities. Instead, he was finding fault wantonly with domestic Enquiry Officer regarding the way of conducting the enquiry. This was done by the Petitioner workman only to evade and to escape from his charges. Based on the domestic enquiry report and the provisions of the sexual harassment of women at work place (Protection, Prevention and Rehabilitation) Act, 2013 the management has dismissed the Petitioner workman in order to give protection and safety work place for the women workers in the factory. There are more than 100 women workers are working in the respondent factory. Only to protect and to provide a safety work place and for the industrial peace, the management dismissed the Petitioner workman. There is no intention to do the same. Hence, prayed to dismiss the claim petition.

4. *The Points for consideration are:*

1. Whether the Petitioner is entitled for reinstatement with continuity of service and pay full back wages from the date of discharge till the date of reinstatement ?

2. To what relief the Petitioner is entitled?

5. *On Points:-*

On the Petitioner side, Mr. Chellakannu/the Petitioner himself was examined as PW.1 and Exs. P1 to P20 were marked. On the respondent side, Mrs. Manjula, Manager HR was examined as RW.1 and Exs.R1 to R.18 were marked.

6. *On the Points:*

(1) Was there a Violation of Principles of Natural Justice in the enquiry proceedings:-

It has been vehemently pleaded in the claim petition by the Petitioner/Workman about the violation of principles of natural justice in the enquiry proceedings. That in the enquiry proceedings the Enquiry Officer acted unilaterally in support of the management, he refused to record the statements and evidence of the Petitioner. When this was agitated by the Petitioner several times, the Petitioner even endorsed the same in the proceedings. So, this act of the Enquiry Officer prevented the Petitioner to bring out the truth. The management issued the

charge-sheet on 13-07-2016 on the same day the Enquiry Officer issued the notice of enquiry. The enquiry was initiated on the next day, *i.e.*, on 15-07-2016 without any reasonable time of notice. The methods adopted by Enquiry Officer is very hard and no justice finds place in it. She acted for the benefit of the management all along the enquiry proceeding. There is no fair play of justice in the enquiry proceedings. Therefore, he contended that the main object of the enquiry is to put out the workmen who indulged in Union activities, which displeased the management. The punishment is also not as per the standing orders, the whole proceedings is only to put out the workman.

7. *Per contra*, the respondent management at para Nos. 4 and 5 of its counter statement objected and it has been pleaded that the domestic enquiry has been conducted for the charges framed against the workman by following principles of natural justice. Sufficient opportunities were given for the Petitioner workman to produce his side witnesses, documents and to explain his side. Despite of it, the Petitioner workman did not come forward to utilize the opportunity but, wantonly found unnecessarily fault in the enquiry proceedings and on the Enquiry Officer.

8. I have considered the rival submissions made by learned Counsel for the parties and perused the record.

9. The workman challenges the validity of the enquiry. The findings of the Enquiry Officer are also challenged by him. As such first of all I shall see whether the enquiry held is proper and valid? Whether the domestic enquiry conducted by following the principles of natural justice? In the enquiry 2 witnesses were examined on the side of the management and 6 documents were marked. No witnesses or documents were marked on the side of the workman. A perusal of the enquiry report and connected papers shows that the workman fully participated in the enquiry. The witnesses examined by the management were cross-examined in extensor by the workman. The requests made by the workman such as for furnishing the copies or the translated copies of the documents were allowed by the Enquiry Officer and same furnished. But, the enquiry officer had closed the enquiry by rejecting the request of the Petitioner Employee and thereby refusing to give time for production of Petitioner Workman side witnesses and documents.

10. Further, to find out whether the said domestic enquiry has been conducted in a fair manner by following the principles of natural justice, it is necessary to have a glance on the relevants documents referred in the Domestic enquiry proceedings. On perusal of

Ex.R8, it is found that the heading mentioned therein is "show cause notice", dated 13-07-2016 wherein four charges have been framed as against the Petitioner Employee and in the same letter Ex.R8, one Mrs. S. Geetha has been appointed as a Domestic Enquiry Officer. But, Ex.R8 is nothing but the charge-sheet framed by the respondent Management against Petitioner Workman. It is not the show cause notice as mentioned in the heading of Ex.R8. Ex.R17 is only the show cause notice calling explanations from the Petitioner Employee stating certain allegation in evasive manner as several complaints were received against him. From Ex.R17, I shall see that it contains no details of complaints such as date time of occurrence, from whom and what complaints whether oral or written complaints, details of the complaints etc. For Ex.R17, the Petitioner Employee has given his explanation in Ex.R18, dated 13-07-2016. But, the charges were framed only *vide* Ex.R8 (Ex.P19). The first flaw committed by the respondent management clearly shows that when the Petitioner Employee was issued with the charge-sheet ExR8 (Ex.P19), he was also issued with an order of enquiry and the Enquiry Officer was appointed in the same charge to go into the alleged misconduct, without even looking at the sufficient cause to be made by the delinquent Employee in his explanation on the charges framed, and the disciplinary authority while issuing the charge-sheet ought not to have appointed the Enquiry Officer. That shows that they were not willing to hear any explanation whatsoever from the delinquent Employee who is said to have committed alleged misconduct. The copy of the charge-sheet clearly shows that while issuing the charge-sheet, the delinquent Employee was not given an opportunity to give his explanation regarding the charges made against him. Even in the charge-sheet, it has been clearly stated that about the appointment of the Enquiry Officer and informed that the enquiry details will be intimated later. Therefore, at the time of issuing the charge-sheet itself, the management respondent has prejudged the issue to take a negative decision against the Petitioner Workman delinquent.

11. Secondly, before giving an opportunity to the Petitioner Employee to explain his stand on the charges so framed by the respondent management, it goes without saying that the disciplinary authority has decided to hold the enquiry, which clearly indicates the clear violation of the principles of natural justice.

12. Thirdly, when the charge sheet-*cum*-order of enquiry was issued on 13-07-2016, the domestic enquiry was initiated on 15-07-2016 *i.e.*, on the second day from the date of framing the charge and on the very same day *i.e.*, 15-07-2016 Enquiry Officer recorded the

versions of the Petitioner Employee as well as the management. That also again shows that they were in a hurry to complete the enquiry, without even willing to peruse his explanation by the disciplinary authority/ the management . The rule says that once the Employee is issued with a charge memo/charge-sheet containing allegations, he should be given reasonable opportunity to explain his case before the disciplinary authority. Only if, the disciplinary authority is dissatisfied with the explanation offered by the said delinquent employee on the allegations, it is open to the disciplinary authority to constitute an enquiry by appointing an Enquiry Officer. The said procedure has been completely overlooked. The charges have been framed only on 13-07-2016 and the said charge-sheet itself there was an order for an enquiry and appointment of Enquiry Officer. That shows that there is no fair or proper enquiry.

13. As per Ex.R9, the enquiry proceedings, as said above, the 1st hearing was on 15-07-2016. On the very same day the explanation from the Petitioner Workman herein and the management respondent herein has been recorded. In the said Enquiry proceedings held on 15-07-2016, the Petitioner Employee herein had made an objection endorsement as Domestic Enquiry Officer was conducting the enquiry in favour of Management as against the principles of natural justice and he also signed with the written objection. The 2nd hearing was on 19-07-2016, wherein, the copies of the standing order and the complaint letters served to the Employee on his request. But, rejected his request seeking one Mr. Loganathan, Joint Secretary of New Democratic Employees Union, Union territory of Puducherry to assist him in the enquiry and instructed by the Domestic Enquiry Officer to get the assistance of any Co-Employee in conducting the domestic enquiry. On 19-07-2016 hearing also the Petitioner Employee has endorsed that the Enquiry Officer was conducting the enquiry against the Principles of Natural Justice. On 22-07-2016, the 3rd hearing of the domestic enquiry, the Enquiry Officer had made some allegations about the Petitioner Employee. Further, on the same day Management Witness No. 1 Mrs. S. Sivasankari, Lady Security and Management witness No. 2 Mr. Poorna Chandra Doss, the Security Supervisor were examined in chief and the enquiry was adjourned to 02-08-2016 for cross-examination of MW.1 and MW.2 by the Petitioner Employee. The Petitioner Employee on 22-07-2016 also requested for translated copies of the complaints given by MW.2. On that date also the Petitioner Employee had signed with an objection note that Domestic Enquiry Officer conducting the enquiry in partial manner and in favour of the management. The

enquiry was against Principles of Natural Justice. He also has given an illustration in his objection note that while one witness is examining, the other witness has to be outside the room or far away but, both the witnesses were in the same room in the presence of one witness, other witness was examined. Further, he objected the Domestic Enquiry Officer has put leading questions to the witnesses while examining them. With the above objections, the Petitioner Employee had signed in the enquiry proceedings, dated 22-07-2016.

14. When the enquiry started on 02-08-2016, the Petitioner Employee had signed with objection note that Enquiry Officer has not recording what the Petitioner Employee says instead she was recording in a different way accusing the Petitioner Employee. The 5th hearing of the domestic enquiry posted on 11-08-2016. On that day the Management side witness namely MW.1 was cross-examined in part. At the end of that date proceedings, the Petitioner Employee herein had made an Objectionable note that Domestic Enquiry Officer had put leading questions to the witness MW.1 while she was cross-examined by the Petitioner Employee. Further, he had mentioned in the said note that Petitioner Employee was not allowed to attend his natural call during the proceedings. When the Petitioner Employee had requested the Domestic Enquiry Officer to read over to him what was recorded in the proceedings, it was rejected by the Domestic Enquiry Officer. Further, in the said note the Petitioner Employee had written that the Domestic Enquiry Officer guided the witness MW.1 by telling her to depose whatever she knew and she (Domestic Enquiry Officer) will record the rest. Hence, the Petitioner Employee had concluded his endorsement note, dated 11-08-2016 that entire enquiry proceedings was against the principles of natural justice. The 6th hearing of the domestic enquiry was fixed on 17-08-2016, wherein, the Petitioner Employee cross-examined MW.1. The 7th hearing of the domestic enquiry was fixed on 27-08-2016 wherein, the Petitioner Employee cross-examined MW.2 in part. The 8th hearing of the domestic enquiry was fixed on 06-09-2016 and the Petitioner Employee cross-examined the MW.2 in part. Again the 9th hearing, the domestic enquiry fixed on 17-09-2016 wherein, the Petitioner Employee completed the cross-examination on MW.2. On that day the Petitioner Employee requested time for production of witnesses and documents on his side. But, it was rejected by the Domestic Enquiry Officer as already sufficient time granted. The examination of witnesses were closed on the very same date *i.e.*, 17-09-2016. On 28-09-2016, the domestic enquiry was posted for arguments on either side. The management has filed written arguments in the domestic enquiry.

After receiving the copy of the arguments filed by the respondent management, Petitioner requested time but, it was rejected by the Domestic Enquiry Officer as already sufficient time given and thus, she closed the enquiry.

15. On perusal of the above discussed minutes of the enquiry proceedings Ex.R9 recorded by the Domestic Enquiry Officer, I could able to find that in most of the hearings before domestic enquiry officer, the Petitioner Employee herein had categorically endorsed his objection at the end of the each hearing that the Domestic Enquiry Officer was not following the Principles of Natural Justice, conducting enquiry in a partial and biased manner in favour of the Management, not giving sufficient time of the Petitioner Employee, putting leading questions to the witnesses, helping the witnesses by putting the facts into their mouth while they being cross examined by the Petitioner Employee *etc.*, On close and careful perusal of the entire domestic enquiry proceedings Ex.R9, I could not find any findings of the Domestic Enquiry Officer recorded on the above objectionable notes made by the Petitioner Employee. No explanations tendered by the Domestic Enquiry Officer on the objectionable note endorsed by the Petitioner Employee regarding the violation of Principles of Natural Justice. The Domestic Enquiry Officer simply adjourned the matter to some other date despite the objectionable note endorsement made by the Petitioner Employee before he signs the daily proceeding of the domestic enquiry. Further the Domestic Enquiry Officer has refused to give time to the Petitioner Employee for the production of documents, witnesses and submitting his arguments. Since, the disciplinary authority while issuing the charge sheet ought not to have appointed the enquiry officer, which shows that the management was not willing to hear any explanation whatsoever from the delinquent. From the absence of any observations or explanation or findings by the Domestic Enquiry Officer on the objectionable note made by the Petitioner Employee in the enquiry proceedings, this Court without any hesitation could come to the conclusion that domestic enquiry has not been conducted by giving fair chance to the Petitioner Employee to explain his side. Curiously, the domestic enquiry proceeding closed on 29-09-2016 without giving a chance for the Employee to submit his arguments. But she took more than a month for filing her report and filed her domestic enquiry report only on 03-11-2016. That also again shows that they were in a hurry to complete the enquiry, without even willing to hear the arguments on the Employee side. It has therefore to be said that Principles of Natural Justice have not been complied with by the enquiry officer. In that sense it has to be said that the enquiry is not proper and not valid.

16. As there is unfairness and fragrant violation of Principles of Natural Justice in the domestic enquiry calling for intervention of this Court, it is must to look into further evidence before the Court to decide this reference in hand.

17. Whether the Charges (prima facie) proved against the Petitioner Employee :

Charges as per Ex.R8 (Ex.P19) are as follows:

தங்களது செயல்களின் மீதான உண்மை நிலையறிய உள்-விசாரணை செய்ய உத்தேசிக்கப்பட்டுள்ளது. தங்கள் மீது கீழ்க்கண்ட குற்றச்சாட்டுகள் பதிவு செய்யப்படுகின்றது.

1. 10-03-2015 அன்று பதிவேட்டு கையொப்பமிட்ட பிறகு, தங்களது கைபேசியை ஒப்படைக்க மறுத்தது:

2. அவ்வாறு மறுத்ததோடு பாதுகாவலரை மிரட்டியது:

3. தங்களுக்கு கொடுக்கப்பட்ட 10-03-2015 தேதியிட்ட விளக்கம் கோரிய நோட்டீஸிற்கு முறையான விளக்கம் அளிக்காதது மற்றும் முன்னுக்குப் பின் முரணான விளக்கங்கள் கொடுத்தது மற்றும் தங்களது செயல்களை மறைக்க முயற்சித்தது:

4. வேலைக்கு வரும் தாங்கள், அவ்வப்போது பாதுகாவலரின் அறைக்கு சென்று அமர்ந்து கொள்வது. தேவையற்ற வாக்குவாதத்தில் ஈடுபடுவது மற்றும் பெண் பாதுகாவலர்களிடம் முறையற்ற வாக்குவாதம் செய்து, அவர்களது பணிகளை செய்ய விடாமல் தடுத்தல் போன்ற செயல்களில் ஈடுபட்டது.

18. *1st , 2nd and 3rd Charges:-*

On going through the evidences adduced by the management side witnesses namely MW.1 and MW.2 in the domestic enquiry proceedings, I shall able to find that MW.1 Mrs. Sivasankari, the lady security and MW.2. Poorna Chandra Doss, the security supervisor during their chief examinations before the Domestic Enquiry Officer, did not adduce any evidence about the 1st and 2nd charges-refusal to hand over the mobile phone by the Petitioner Employee and in continuance of that threatened the Security.

19. MW.1 Mrs. Sivasankari, the lady security given her evidence before the enquiry officer only regarding the fact that Petitioner Employee intervened when she was attending a lady staff who was suffering from stomach ache due to mensuration and the Petitioner Employee told her not to insist for the leave form. she further deposed that she informed about this to the security supervisor so Petitioner Employee scolded her. Because of this, she was afraid to go out. Further, she would say that she along with the security supervisor gave complaint before Karikalampakkam Police Station in this regard.

20. MW.2 the security supervisor also, in his chief examination deposed nothing about 1st and 2nd charges that the Petitioner Employee refused to handover his cellphone and in continuance of that threatened the Security. He has deposed only that Petitioner Employee used to often sit inside the security room so he gave a complaint. Further, he deposed that the Petitioner Employee used to talk unnecessarily to the lady security. Further, MW.2 deposed that Petitioner Employee insisted to let the women Employee who was suffering from stomach ache to go out of the company without company gate pass. So the lady security gave complaint in this regard. For which, the Petitioner Employee scolded her. Apart from this nothing was averred by MW.2 in the domestic enquiry. With regard to this later part, it was only a hearsay.

21. Whereas, on documentary evidence regarding the 1st and 2nd charges, Ex.R3 is the only document filed on the respondent Management to show that the matter went to Police Station. No other document filed to show they went to Police Station. From Ex R3, I shall see that it was the Copy of the report in non cognizable offences of Karikalampakkam out post police station in which the complainant was the security supervisor one Poorna Chandra Dass (MW.2 in Domestic Enquiry) not the MW.1 Mrs. Sivasankari. Further the contents of the complaint have been recorded therein which were totally not related to the contents that was deposed by MW.1. The content in Ex.R3 was about the refusal to hand over the mobile phone by the Petitioner Employee and one Mrs. Veeralakshi. It was not averred in the said Ex.R3, that Petitioner Employee abused verbally the lady security nor about the leave form quarrel as alleged by the both MW.1 and MW.2 in the domestic enquiry. Further the complaint said to have been lodged by the Lady supervisor before the Police station has not been produced before this Court. But, during her cross examination done by the Petitioner Employee in the domestic enquiry she deposed that she gave one case (police complaint) and one letter to the management in this regard. The letter has been marked as Ex.R7, which is bereft of particulars such as no date, time, day of occurrence mentioned in it and moreover when and near which place alleged occurrence had happened and who were all witnessed to the occurrence (either the lady staff who suffered stomach ache to speak about the alleged obstruction or else any person to speak about the alleged threat committed by the Petitioner Employee on the lady security). Though this fact are not related to the 1st and 2nd charges, I would say that there is no particulars of the alleged misconduct said to have been committed by the Petitioner Employee.

22. Whereas, in the enquiry report submitted by the Domestic Enquiry Officer, dated 03-11-2016 at page No. 5, in the 1st para answered for the 1st charge as proved to the contrary that no cogent, consistent evidence given by both the witnesses before the Domestic enquiry. At the first instances, they both never uttered any word relating to the 1st and 2nd charge. Only the Petitioner Employee asked questions on the point of 1st charge while cross examination. Both witnesses answered to the said questions in cross very evasively.

23. Furthermore, the Enquiry Officer in her report Ex.R10 at page No. 5 unnumbered para 1 mentioned that, "during cross examination MW.2 deposed that the Petitioner Employee refused to hand over the mobile phone to the security". But, this fact was not originally deposed by MW.2 in his chief examination before the domestic enquiry. Since it was the 1st charge framed against him, Petitioner Employee put a question in this regard to MW.2 during cross examination for which he answered in a very evasive manner in one word as true. No other details such as when the occurrence (refusal to handover the mobile phones) happened, when it was complained, by whom and to whom the complaint was made. Except this question during the cross-examination put by the Petitioner Employee, nothing has been whispered by MW.2 in the domestic enquiry proceedings.

24. Apart from this, in Ex.R 3-the Copy of the report in non cognizable offence of Karikalampakkam out post police station occurrence date has been mentioned as 14-03-2015, but as per the complaint Ex.R1 occurrence occurred on 10-3-2015; The show cause notice issued by the Management calling for the Explanation also on the very same date of alleged occurrence 10-03-2015 (EX.R2). No reason adduced on the side of Management for delay in reporting the occurrence on 14-03-2015 to the police when they issued show cause notice on 10-03-2015 itself. Further, it has been clearly mentioned in the police report that 14-03-2015 was the occurrence date. Therefore, even the date of occurrence of 1st and 2nd charges is under confusion and leads to suspicion and failure of both management witnesses in the domestic enquiry to depose about the 1st and 2nd charges at the first instance, leads to the conclusion that 1st and 2nd charges have not been proved *prima facie* in the enquiry proceedings.

25. When I look into the evidence adduced before the court, I shall see that RW.1 Mrs. Manjula, the Manager HR has deposed that, 09-03-2015 அன்று மனுதாரர் மீண்டும் வேலைக்கு சேர்ந்த மறுநாளே, அதாவது 10-03-2015 தேதியில் ஒரு show cause notice எங்கள்

நிறுவனம் தந்தது. எங்கள் நிறுவனத்தின் security Poorna Chandran என்பவர் மூலம் கரிக்கலாம்பாக்கம் காவல் நிலையத்தில், மனுதாரர் மீது ஒரு புகார் மனு அளிக்கப்பட்டது என்றால் ஆமாம். Ex.R3-ல் மனுதாரரின் கையெழுத்து எதுவும் காணப்படவில்லை. From all these above facts, I shall see substance in the defence made by the Petitioner Employee that the Management documents such as complaints, show cause notice were not reliable in absence of the supportive evidence.

26. With regard to 3rd charge, I find that Ex.R1 complaint by the Security Supervisor on 10-03-2015 to the Manager Management and Ex.R3 Non-Cognizable Offences report contain different dates of occurrence namely 10-03-2015 and 14-03-2015 respectively. On Ex.R2 the show cause notice calling for explanation on Ex.R1 complaint, it is mentioned as Petitioner Employee refused to receive the said notice. For which the Petitioner Employee in his explanation (Ex.R18/P18), dated 08-07-2016 has mentioned at page 3 that he never served with the notice and when he was very well present in the company the management did not serve the copy of the show cause notice, dated 17-03-2015 on the Petitioner Employee at the office but the show cause notice, dated 17-03-2015 was said to have been sent to the Petitioner residence through registered post. He further explained in the explanation Ex.R18/P18, dated 08-07-2016 that he never refused to receive any communication/letter that was tendered by the management including the show cause notice, dated 05-07-2016. He has given his explanation that, "since Petitioner Employee has refused to receive the show cause notices more particularly notice, dated 17-03-2015 it was sent to the Petitioner residence" is according to the Petitioner Employee is purely an after thought. He further explained that he never refused any such notice directly in person nor received through post. He thus concluded his explanation for the 3rd charge that it is the action of the management to gather documents against the Petitioner Employee. While answering the 1st charge the Petitioner Employee has given a detailed explanation on the 1st charge (refusal to hand over the mobile phone to the security) that he always comply the above condition and never refused to give his mobile phone to the security. According to the Petitioner Employee, the management in order to collect evidence in documentary nature has created Ex.R1, R3 and in consequent of these Ex.R4 as against the Petitioner Employee as if, he refused to hand over the mobile phone to the security. For the show cause notice, dated 05-07-2016 which as already found above with incomplete vague allegations againsts the petitioner employee, he had given a reply with explanation on 08-07-2016 (Ex.R18/P18). According to the respondent

Management the matter went to Police Station and there Petitioner Workman agreed not to repeat the same hereafter and thus settled. That was on 14-03-2016. When that was the case what is the necessity for the respondent Management to issue show cause notice for the same issue subsequently on 17-03-2016. Therefore, it creates suspicion and the 3rd charge that petitioner workman did not give explanation to the notices issued and at the same time management would also say and frame charge as petitioner workman gave improper reply to the notices. Thus it can't blow hot and cold about whether Petitioner workman has not given any reply or improper reply in this regard.

27. As already discussed above Ex.R4 the report of non cognizable offence registered in Karikalampakkam out post Police Station, but, no documents produced on the side of the respondent management to show the Petitioner was called upon, enquired and admitted to hand over the mobile phone to the security in future without creating any resistance. The Petitioner Employee specifically denied the 1st charge that everyday he used to hand over the mobile phone to the security and no such quarrel happened as alleged in Ex.R1 and R3. He admitted that he was called for the enquiry in the Karikalampakkam Police Station, but, after hearing him the Station House Officer let him to go since there was no case as alleged in the complaint. Further in his explanation Ex.P18/R18 he would also state that if, at all there was a compromise held in the Police Station it could be reduced into writing and obtained the signature of the Petitioner Employee. But, nothing was produced in this regard to show that the 1st charge has been committed by the Petitioner Employee.

28. The oral evidences of MW.1 and MW.2 before the domestic enquiry did not help and not *prima facie* enough to prove the 1st and the consequent 2nd charge. Therefore, in absence of oral evidence in Domestic Enquiry, difference in the date of occurrence in Ex. R1, R2 with that of R3 with regard to 1st and 2nd charge (refusal to hand over the mobile phone in the security room and thereby threatened the security), when it was denied specifically by the Petitioner in his explanation Ex.P18/R18, even no witness produced on the management side to speak about the said charges before this Court and further the Petitioner had submitted his explanation on 08-07-2016 to the show cause notice (containing Vague allegations), dated 05-07-2016, by initiating the domestic enquiry without giving sufficient time for the Petitioner Employee to submit his explanation on the charge-sheet, dated 13-07-2016, this Court has decided that 1st, 2nd and 3rd charges are not *Prima facie* proved.

29. 4th Charge:-

(a) that often sitting inside the security room and picking unnecessary quarrels with security;

(b) that picking improper quarrels with lady security; and

(c) that obstructing the security personnel from doing their duty.

30. In order to prove the last charge, Ex.R5, Ex.R6, Ex.R7 complaints were relied by the Management. Ex.R5 is the complaint given by security officer that the Petitioner Workman and said Mrs. Veeralakshmi were sitting inside the security room while the security officers were on rounds. When the security officers came back to the room both the Petitioner Workman and Mrs. Veeralakshmi came out and sat outside the room. Ex.R6 is the complaint, dated 22-06-2016 by the security supervisor to the General Manager alleging that the Petitioner Workman was disturbing their duty in security gate and unnecessarily speaking to our security and lady security. Ex.R7 is the complaint by the lady security to the General Manager alleging that the Petitioner Workman was obstructing to do the security work and unnecessarily talking to her and thereby caused hindrance from doing her duty. Further, alleged that daily he used to give a book and asked her to read the same.?

31. In page No. 5 of the domestic enquiry report Ex.R10 at unnumbered 2nd para, இரண்டாவதாக சம்மந்தப்பட்ட தொழிலாளி, பாதுகாவலரின் அறைக்கு சென்று அமர்ந்து கொள்வது மற்றும் அவர்களுடன் தேவையற்ற வாக்குவாதத்தில் ஈடுபடுவது போன்ற செயல்களில் ஈடுபட்டுள்ளாரா? என்ற எழுவினாவினைப் பொறுத்த வரையில் தொழிற்சாலைக்குள் வேலைக்கு வரும் தொழிலாளி என்கிற வகையில், வேலை நேரத்தில், நிர்வாகம் எங்கு வேலைக் கொடுக்கிறதோ மற்றும் என்ன வேலைக் கொடுக்கிறதோ அதை மட்டுமே செய்யக் கடமைப் பட்டவராவர். ஆனால் அதை விட்டுவிட்டு, இவருக்கு பணி ஒதுக்கப்பட்ட இடத்தை விட்டுச் சென்று, பாதுகாவலர்களின் அறையில் அமர்ந்து கொள்வது, தேவையில்லாத விஷயங்களைப் பற்றி பேசி அவர்கள் பணியில் இடையூறு செய்வது, அவர்களது பதிவேடுகளை அவர்கள் அனுமதியில்லாமல் எடுத்து பார்ப்பது, அதை தடுக்கும் பாதுகாவலர்களிடம் தேவையற்ற வாக்குவாதத்தில் ஈடுபடுவது, தொழிற்சாலைக்குள் வரும் வாகனங்களை நுழைவாயிலில் நிறுத்தி சோதனை செய்யும் சமயங்களில் தொந்தரவு செய்வது மற்றும் வீண் பிரச்சனைகள் செய்வது போன்ற செயல்களில் ஈடுபட்டுள்ளார். இது குறித்து சம்மந்தப்பட்ட பெண் பாதுகாவலரால் கரிக்கலாம்காப்பம் காவல் நிலையத்தில் புகாரும் அளிக்கப்பட்டுள்ளது. மேலும், சம்பந்தப்பட்ட பெண் பாதுகாவலரிடம், பல சமயங்களில் சம்மந்தப்பட்ட தொழிலாளி தேவையற்ற புத்தகங்களைக் கொடுத்து படிக்க சொல்லி வற்புறுத்தியுள்ளார் என்பதும், ஆறு

தீருமதி சிவசங்கரியின் வாக்குமூலத்தின் மூலமும், தொழிற்சாலையில் பணிபுரியும் இதர பாதுகாவலர்களின் புகார் கடிதங்கள் மூலமும் தெள்ளத் தெளிவாகத் தெரிகிறது.

32. Whereas, MW.1 in her cross-examination at page 35 of the domestic enquiry proceedings for the question No. 38, answered to the question put by the Petitioner Employee that she never gave complaint as Petitioner Employee has taken registers in the security room unnecessarily and refused to give back. MW.2 also in his cross examination at page 54 of the domestic enquiry proceedings for the question No. 63, answered to the question put by the Petitioner Employee that Petitioner Employee has never taken any registers in the security room unnecessarily and never refused to give back.

33. MW.1 further deposed that Petitioner was talking unnecessarily and give unwanted books to read. she also deposed at page No. 29 to the Question No.19 that Petitioner Employee gave their Union book to read, but, she said not required.

34. Whereas, MW.1 in his cross-examination at page 27-28 of the domestic enquiry proceedings for the question No.17, denied that he has not stated as Petitioner Employee was obstructing at the gate while they were checking the vehicle in the gate. As mentioned in the Domestic Enquiry report, no complaint by Lady security said to have been lodged in the Police Station in this regard has been filed either before the Domestic Enquiry or before the Court.

35. MW.1 in her cross-examination at page 29 of the domestic enquiry proceedings for the question No. 19, she stated that Petitioner Employee gave his Union Book to read once. Except this, no evidence available as against the Petitioner Employee. That too while answering the specific question put by the Petitioner Employee about what book he gave to her and compelled to read?

36. From the above referred oral evidence and the documents marked even on the side of the respondent Management in the domestic enquiry proceedings, this Court could not able to find how the enquiry officer has given a finding beyond the charges framed, that too about the new facts what was not uttered by anyone of the Management witnesses before her. Therefore, the conclusion thus arrived by the Domestic Enquiry Officer that the charges framed against the Petitioner Employee were proved could not be acceptable in the eye of Law.

37. Moreover, with regard to 4th charge, the Petitioner Employee in Ex.P18/R18 has given his explanation that the allegations contained in the said charge suffers for vague description such as no date,

time specified in the said charge. In the said charge there is no mention with whom the Petitioner Employee had quarrelled or unnecessarily had conversation thereby disturbing the security work. Further, with regard to the fact that Petitioner Employee has alleged to give some books to the lady security and compel to read the same, the Petitioner Employee specifically has put questioned to the lady security MW.1 in the domestic enquiry proceedings (page No. 29, Q.No.19) for which the lady security namely MW.1 answered that Petitioner Employee gave a book regarding his Union and she refused.

38. Further, with regard to 4th charge, nothing has been elucidated in favour of the respondent management from RW.1 before this Court. RW.1 during her cross-examination before this Court has categorically admitted that there is no complaint against the Petitioner Employee alleging that he verbally abused the lady Employees. No such complaint ever received by respondent management as against the Petitioner Employee. Even in Ex.R7 complaint given by the lady security there is no such word as Petitioner Employee abused her. Further RW.1 admits that in Ex.R9 (examination of witnesses in domestic enquiry proceedings) also MW.1 and MW.2 have spoken that only the Petitioner Employee insisted the lady security to take the lady staff to the hospital who was suffering stomach ache due to mensuration. Except this nothing more mentioned in Ex.R9. For better appreciation the relevant portion of RW1 cross-examination has been reproduced hereunder:

RW.1 Mrs. Manjula, the Manager HR has deposed during her cross examination that, “தற்போது என்னிடம் காண்பிக்கப்படும் charge-sheet, dated 13-07-2016. எங்கள் நிறுவனம் கொடுத்த charge-sheet ஆகும். மேற்படி charge-sheet-ல் மனுதாரர் பெண்களிடம் தகாத வார்த்தை பேசுவதாகவும். தகாத முறையில் நடந்துகொண்டதாகவோ எதுவும் இல்லை என்றால் அதில் “பெண் பாதுகாவலரிடம் முறையற்ற வாக்குவாதத்தில் ஈடுபட்டதாகவும். அவரை பணி செய்ய தடுத்ததாகவும் உள்ளது” என்று சாட்சி பதவளிக்கிறார். 09-03-2015 அன்று மனுதாரர் மீண்டும் வேலைக்கு சேர்ந்த மறுநாளே, அதாவது 10-03-2015 தேதியில் ஒரு show cause notice எங்கள் நிறுவனம் தந்தது. எங்கள் நிறுவனத்தின் security Poorna Chandran என்பவர் மூலம் கரிக்கலாம்பாக்கம் காவல் நிலையத்தில். மனுதாரர் மீது ஒரு புகார் மனு அளிக்கப்பட்டது என்றால் ஆமாம். Ex.R3-ல் மனுதாரரின் கையெழுத்து எதுவும் காணப்படவில்லை. மனுதாரர் பெண்களிடம் தகாதவாறு நடந்துக்கொள்வதாகச் சொல்லி எந்தவித புகாரும் காவல்நிலையத்தில் எங்கள் நிறுவனத்தின் மூலம் தரப்படவில்லை. பெண் தொழிலாளர்களோ அவ்வாறு எந்த புகாரும் தரவில்லை. Ex.R7 பெண் பாதுகாவலர் எங்கள் நிறுவனத்திற்கு அளித்த புகாரும். Ex.R7-னில் மனுதாரர் பெண் பாதுகாவலரிடம்

தகாத முறையில் பேசியதாகவோ. தகாத முறையில் நடந்துகொள்வதாகவோ இல்லை என்றால் ஆமாம். ஆனால் தேவையில்லாமல் பேசுவதாக Ex.R7-னில் உள்ளது. மனுதாரர் தனக்கு பணி அளிக்காமல் இருப்பது மிகுந்த மனஉலைச்சலாக இருக்கிறது என்றும், பணி அளிக்க கோரி நிர்வாகத்திற்கு சுமார் 13 கடிதங்கள் அளித்துள்ளார் என்றால் ஆமாம். அந்த 13 கடிதங்களை பெற்றுக்கொண்ட நாங்கள். அவருக்கு பணி தரவும் இல்லை. அதற்கு பதில் தரவும் இல்லை என்றால் ஆமாம். Domestic enquiry-ல் மேற்படி பெண் பாதுகாவலரை விசாரணை செய்தபோது. அவர் மனுதாரர் தன்னிடம் வேறு ஒரு சக பெண்தொழிலாளிக்கு மாதவிடாய் பிரச்சனை இருப்பதாகவும். அவரை மருத்துவமனைக்கு அழைத்துச் செல்லுமாறும் கூறினார். என்றுதான் சொல்லியுள்ளார் (Ex.P9).

39. From the above referred oral evidence and the documents marked even on the side of the respondent Management, this Court could able to find that the allegation made on the Petitioner Workman regarding refusal to hand over the mobile phone in the security room, verbally or sexually abused or threatened the lady Security Officer and restraining the securities more particularly the lady Security Officer from doing her duty during her duty hours, etc., are remained unproved either by way of cogent oral evidence or by documentary evidences. No *prima facie* proof made out as against the charges framed in the charge-sheet Ex.R8.

40. On the other hand, the Petitioner Workman has marked Ex.P1 to Ex.P20 on his side. Out of which Ex.P3 to Ex.P16 were the letters addressed by the Petitioner Workman to the Respondent Management requesting to allot him work inside the factory. From these Exhibits Ex.P3 to Ex.P16, this Court could able to find that the Petitioner Workman since his date of rejoining the duty *i.e.*, from 09-03-2015 was made to sit idle near the security room *i.e.*, at the gate of the factory without giving any work inside the factory. In all the above referred letters, the Petitioner Workman requested to allot him work and it was also specifically mentioned that not allowing him inside the factory for work thereby not allotting any work to him amounts to unfair labour practices. He further mentioned in those letters namely Ex.P3 to Ex.P16 from 10-03-2015 to 30-06-2016 (14 letters) that not allowing him inside the factory, not allotting him any work, made him to sit outside the factory near the security room under the tree deemed to be a kind of untouchability. This fact of not allotting any work to the Petitioner Workman and made him to sit idle under the tree near the security room was categorically admitted by the Management witness namely RW.1 during her cross-examination. RW.1 Mrs. Manjula, the Manager HR has deposed that, “17B - go basic salary தரும்படி உத்தரவிடப்பட்டது அடிப்படை சம்பளத்தை நிறுத்திவிட்டு. நிர்வாகத்திடமிருந்து. மனுதாரரை பணியில் மீண்டும் சேர்த்துக்கொள்வதாக ஒரு அறிவிப்பு அனுப்பினோம்.

அந்த ஆணையை பெற்றுக்கொண்டு மறுநாளே. அதாவது 09-03-2015 அன்று வேலையில் சேர்ந்துவிட்டார். மனுதாரர் வேலைக்கு சேர்ந்த நாளிலிருந்து அதாவது 09-03-2015 முதல் 05-07-2016 வரை அவருக்கு எந்தவித வேலையும் பணிக்கப்படவில்லை அவரை security-யுடன் அமரச்செய்து வீட்டிற்கு அனுப்பி வைப்போம்.

41. Thus, the Petitioner Employee admittedly made to sit near the security room under the tree from the date of his rejoining for continuous 13 months till his dismissal. Even assuming for the sake of arguments that Petitioner Employee coming inside the security room sometimes and sitting inside and talking to the security, it could not find substance in saying mere coming to the Security room and talking with the security amounts to misconduct. In case, if, the respondent management accommodated the Petitioner Employee inside the factory by allotting him any work but, he failed to do the work so allotted and without doing his work he left his place of work and coming often inside the security room unnecessarily and then it may amounts to misconduct. But, this is not the case here. On consideration of all the above this Court holds that the dismissal of the Petitioner is not justified. Hence, order of dismissal is liable to be set aside.

42. From the above discussions and findings, this Court holds that the domestic enquiry conducted is not fair and Principles of Natural Justice not followed. Thus, the finding of the enquiry is set aside. This Court further finds that the charges framed against the Petitioner Employee have not been *prima facie* proved. Therefore, this Court upon consideration of these facts and circumstance comes to a conclusion that the Respondent Management failed to establish the dismissal of the petitioner on valid charges and the contentions of the Respondent Management are also not acceptable and therefore, the Petitioner is entitled for reinstatement with back wages, continuity of service and all other attendant benefits.

In the result, this industrial dispute is allowed by setting aside the dismissal order. Further, the Respondent Management is directed to reinstate the Petitioner with continuity of service and to pay full back wages and all other attendant benefits from the date of his dismissal till his date of reinstatement. There is no order as to costs.

Dictated to the Stenographer, directly typed by her, corrected and pronounced by me in open Court, on this 29th day of August 2022.

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

List of petitioner's witness:

PW.1 — 26-02-2020 Chellakannu

List of petitioner's side exhibits:

Ex.P1 — 26-02-2015 Photocopy of the notice issued by the Management to the Petitioner.

Ex.P2 — 09-03-2015 Photocopy of the reply to Ex.P1 given by the Petitioner to the Management.

Ex.P3 — 10-03-2015 Photocopy of the letter given by the Petitioner to the Managing Director of the Respondent/Manager.

Ex.P4 — 11-03-2015 Photocopy of the letter given by the Petitioner to the Managing Director of the respondent/Manager with postal receipt.

Ex.P5 — 02-07-2015 Photocopy of the letter given by the Petitioner to the Managing Director of the respondent/Manager.

Ex.P6 — 11-07-2015 Photocopy of the letter given by the Petitioner to the Managing Director of the Respondent/Manager.

Ex.P7 — 19-08-2015 Photocopy of the letter given by the Petitioner to the Managing Director of the Respondent/Manager.

Ex.P8 — 19-09-2015 Photocopy of the letter given by the Petitioner to the Managing Director of the Respondent/Manager.

Ex.P9 — 19-10-2015 Photocopy of the letter given by the Petitioner to the Managing Director of the Respondent/Manager.

Ex.P10 — 19-11-2015 Photocopy of the letter given by the Petitioner to the Managing Director of the Respondent / Manager.

Ex.P11 — 19-12-2015 Photocopy of the letter given by the Petitioner to the Managing Director of the Respondent/Manager.

Ex.P12 — 20-01-2016 Photocopy of the letter given by the Petitioner to the Managing Director of the Respondent/Manager.

Ex.P13 — 25-02-2016	Photocopy of the letter given by the Petitioner to the Managing Director of the Respondent/Manager.	Ex.R3 — 14-03-2015	Photocopy of the report in non cognizable offences of Karikalampakkam out post Police Station.
Ex.P14 — 21-03-2016	Photocopy of the letter given by the Petitioner to the Managing Director of the Respondent/Manager.	Ex.R4 — 17-03-2015	Photocopy of the show cause notice issued by the Respondent Management to the Petitioner Workman with copy of the postal receipt.
Ex.P15 — 12-04-2016	Photocopy of the letter given by the Petitioner to the Managing Director of the Respondent/Manager.	Ex.R5 — 09-05-2016	Photocopy of the complaint given by Security Supervisor Mr. P.C. Doss to the General Manager, Respondent.
Ex.P16 — 30-06-2016	Photocopy of the letter given by the Petitioner to the Managing Director of the Respondent/Manager.	Ex.R6 — 22-06-2016	Photocopy of the complaint given by Security Supervisor Mr. P.C. Doss to the General Manager, Respondent.
Ex.P17 — 05-07-2016	Show cause notice issued by the Abirami Soap Works to the Petitioner.	Ex.R7 — 25-06-2016	Photocopy of the complaint given by Lady Security to the General Manager, respondent.
Ex.P18 — 08-07-2016	Photocopy of the explanation submitted by the Petitioner to the Managing Director of Power Soap Limited.	Ex.R8 — 13-07-2016	Photocopy of the show cause notice issued by the Respondent Management to the Petitioner Workman.
Ex.P19 — 13-07-2016	Photocopy of the show cause notice where charges framed against the Petitioner Employee issued by the Respondent Management to the Petitioner.	Ex.R9 — 15-07-2016 to 29-09-2016	Photocopy of the domestic enquiry proceedings (containing page Nos. 10 to 69).
Ex.P20 — 28-06-2017	Photocopy of the petition filed under section 2 (A) of Industrial Dispute Act, 1947 by the Petitioner before the Conciliation Officer against Respondent Company.	Ex.R10 — 03-11-2016	Photocopy of the domestic Enquiry Report.
<i>List of respondent witnesses:</i>		Ex.R11 — 19-11-2016	Photocopy of the show cause notice issued by the Respondent Management to the Petitioner Workman with copy of the Acknowledgment Card.
RW.1 — 17-11-2021	Mrs. P. Manjula	Ex.R12 — 26-11-2016	Photocopy of the letter given by the Petitioner Workman addressed to the Managing Director, Respondent Management seeking time for submitting his reply.
<i>List of respondent side exhibits:</i>		Ex.R13 — 26-11-2016	Photocopy of the dismissal order of the Petitioner Workman issued by the Respondent Management.
Ex.R1 — 10-03-2015	Photocopy of the complaint given by Security Supervisor Mr. P.C. Doss to the Manager, Respondent.		
Ex.R2 — 10-03-2015	Photocopy of the show cause notice issued by the Respondent Management to the Petitioner Workman with copies of the postal receipt and Acknowledgment Card.		

- Ex.R14 — 07-12-2016 Photocopy of the memorandum intimating the Petitioner Workman about his termination and cheque details with copy of the Acknowledgment Card.
- Ex.R15 — 05-07-2017 Photocopy of the notice of remarks issued by Labour Officer (Conciliation), Government of Puducherry to the Respondent Management along with the copy of the Section 2(A) on Industrial Dispute Act petition.
- Ex.R16 — 14-07-2017 Photocopy of the reply given by Respondent Management to Ex.R15.
- Ex.R17 — 05-07-2016 Photocopy of the show cause notice issued by the Respondent Management to the Petitioner Workman.
- Ex.R18 — 08-07-2016 Photocopy of the Explanation given by the Petitioner Workman to the Managing Director on Ex.R17.

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

**GOVERNMENT OF PUDUCHERRY
LOCAL ADMINISTRATION SECRETARIAT**

*(G.O. Ms. No. 57/LAS/A5/2022,
Puducherry, dated 20th December 2022)*

ORDER

Approval of the Hon'ble Lieutenant-Governor, is hereby accorded for conducting door to door enumeration of OBC population ward-wise, by Single Member Commission for recommending reservation for OBCs under supervision of the concerned Local Bodies across the Union territory of Puducherry, towards conduct of Civic Elections in this Union territory of Puducherry.

(By order)

G. KARTHIGESAN,
Under Secretary to Government
(Local Administration).

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

*(G.O. Rt. No. 179/Lab./AIL/T/2022,
Puducherry, dated 20th December 2022)*

NOTIFICATION

Whereas, the Government is of the opinion that an industrial dispute has arisen between the management of M/s. ATC Chemicals India Private Limited, Puducherry and All India United Trade Union Centre (AIUTUC), over reinstatement of Thiru Prasanth Kumar Behra and 4 others with back wages and other attendant benefits, in respect of the matter mentioned in the Annexure to this order;

And whereas, in the opinion of the Government, it is necessary to refer the said dispute for adjudication;

Now, therefore, by virtue of the authority delegated *vide* G.O. Ms. No. 20/9/Lab./L, dated 23-5-1991 of the Labour Department, Puducherry, to exercise the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), it is hereby directed by the Secretary to Government (Labour) that the said dispute be referred to the Labour Court, Puducherry, for adjudication. The Labour Court, Puducherry, shall submit the Award within 3 months from the date of issue of reference as stipulated under sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947 and in accordance with rule 10-B of the Industrial Disputes (Central) Rules, 1957. The party raising the dispute shall file a statement of claim complete with relevant documents, list of reliance and witnesses to the Labour Court, Puducherry, within 15 days of the receipt of the order of reference and also forward a copy of such statement to each one of the opposite parties involved in the dispute.

ANNEXURE

(i) Whether any employer-employee relationship exists between the workers namely, Thiru Prasanth Kumar Behra and 4 others, represented by the Union AIUTUC and the management of M/s. ATC Chemicals India Private Limited, Puducherry.

(ii) If so, whether the dispute raised by the All India United Trade Union Centre, against the management of M/s. ATC Chemicals India Private Limited, Puducherry, over non-employment of 5 workmen namely, Thiruvallargal (1) Prasanth Kumar Behra, (2) Nabin Parida, (3) Balaram Das, (4) Beemasendas @ Rajudas and (5) Kamalesh Sharma, along with back