



Registered with the Registrar
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under No. 10410

புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry The Gazette of Puducherry

அதிகாரம் பெற்ற வெளியீடு

Publiée par Autorité

Published by Authority

எண்	} 7	புதுச்சேரி	செவ்வாய்க்கிழமை	2024	ஓ	஫்ரவரீ மீ	13
No.		Poudouchéry	Mardi	13		Février	2024 (24 Magha 1945)
No.		Puducherry	Tuesday	13th		February	2024

பொருளடக்கம்

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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 120/AIL/Lab./T/2023,
Puducherry, dated 8th December 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 10/2019, dated 12-05-2023 of the Labour Court, Puducherry, in respect of Dispute between the M/s. Shree Mother Plast India Private Limited, Thirubuvanai, Puducherry and Thiru C. Kumar, Kalitheerthalkuppam, Puducherry, over non-employment 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.

Friday, the 12th day of May, 2023.

I.D. (L) No. 10/2019
CNR. No. PYPY06-000016-2019

Kumar,
No. 48, Pillaiyar Koil Street,
Kaliitheerthalkuppam,
Madagadipet Post,
Puducherry. . . Petitioner

Versus

The Managing Director,
M/s. Shree Mother Plast India Private Limited,
Nos. A-43 to A-48, PIPDIC Electronic Park,
Thirubuvanai, Puducherry. . . Respondent

This Industrial Dispute coming on 12-05-2023 before me for final hearing in the presence of Thiru S. Asokkumar, Counsel for the Petitioner, Thiru R. Ilancheliyan, 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. 20/AIL/Lab./T/2019, dated 08-02-2019 of the Labour Department, Puducherry, to resolve the following dispute between the Petitioner and the Respondents, *viz.*,

(a) Whether the dispute raised by the Petitioner C. Kumar, Kalitheerthalkuppam, Puducherry, against the Management of M/s. Shree Mother Plast India Private Limited, Thirubuvanai, Puducherry, over non-employment is justified or not? If justified, what relief the Petitioner is entitled to?

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

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

The Petitioner was worked as Machine Operator under the Respondent Management M/s. Shree Mother Plast India Private Limited, Puducherry, for the past 15 years as Permanent worker. The Respondent Management is the manufacturer of spare parts/bed mould for Whirlpool washing machine and Godrej products functioning at Pondicherry. The Respondent Management with arbitrary power kept the workmen at his mercy depriving of privileges of the permanent workmen and such act comes under unfair labour practice on the part of the Respondent as per the provisions of the Industrial Disputes Act.

(ii) The Respondent issued Show cause notice on 11-08-2014 for flimsy reason which is utterly false and fabricated; the explanation was submitted by the Petitioner on 08-09-2014 and on 18-09-2014. The Respondent dissatisfied with explanation issued the charge sheet on 15-11-2014 and initiated enquiry after a lapse of seven months, *i.e.*, 23-06-2015. As a result of enquiry the Petitioner was found guilty, and then the Petitioner was terminated from service on 28-11-2017. Therefore, the Petitioner raised conciliation on 25-01-2018. On receipt of the representation, conciliation was initiated and ended in failure.

(iii) *Grounds of the Petition:*

The Petitioner is working as Machine Operator under the Respondent Management M/s. Shree Mother Plast India Private Limited, Puducherry, for the past 15 years as Permanent worker. The Petitioner carried out the work to the satisfaction of the Management with flawless records. The Respondent issued Suspension-*cum*-Show Cause Notice on 11-08-2014, further, the Petitioner was

resisted from entering the industry premises on 30-08-2014 and on 04-09-2014. Subsequently charge-sheet was issued on 15-11-2014 and the Petitioner submits that after lapse of seven months, *i.e.*, on 23-06-2015 enquiry was initiated. The Petitioner was suspended without seeking explanation and all along this period he was not paid salary or subsistence allowance. The Respondent without any reason terminated the Petitioner which is against natural justice.

(iv) The Petitioner has joined as Member in the "Shri Mother Plast Employees Union" which has been established for protecting the worker's rights from the Management. The Respondent Management was dissatisfied due to the involvement of the Petitioner in the Union activities right from the initiation of the Trade Union, the Respondent Management treated the Petitioner unpleasant and took unfair action against the Petitioner.

(v) The agitation was staged on behalf of "Puthiya Jananayaga Thozhilalar Munnani" on 05-08-2014 for demanding eradication of contract labour system under the Contract Labours (Regulation and Abolition) Act, 2009. The Petitioner as a member of the Employees Union extended his Cooperation and participated in the agitation. The participants including women and children took part in the agitation, whereas, the labour contractors of Thirubuvanai in order to dilute the demand attacked the participants in the agitation with the support of hooligans, so an untoward incident took place in the agitation.

(vi) Even though participants were attacked the contractors with the support of political and muscle power managed to register F.I.R. against the affected participants. The Station House Officer, Thirubuvanai Police Station, Puducherry, registered a case against 20 and others *vide* F.I.R. No. 90/2014. Due to his participation in the agitation he was also added in the complaint, the affected participants also approached the Police for registering the complaint but the same was refused due to influence only on direction from the Court the complaint was registered.

(vii) The Respondent Management was already dissatisfied with the Union activity of the Petitioner and took this opportunity and suspended the petitioner on 11-08-2014 without seeking any explanation. Consequently the Petitioner was resisted from entering the Industry Premises on 30-08-2014 and on 04-09-2014. The Petitioner submitted a representation was addressed to the Respondent Management on 08-09-2014 explaining the untoward incident took place in the agitation. Further, the

Petitioner is not an offender and moreover the agenda in the agitation is common issue due to involvement of political and muscle influence an untoward incident took place otherwise than that there is no personal association.

(viii) The Respondent Management without considering the explanation of the Petitioner, dated 08-09-2014 issued the Charge sheet on 15-11-2014 and initiated enquiry on 23-06-2015 after lapse of seven months. The Charge sheet does not find any substance it is fabricated only put out the Petitioner from the Respondent/Management for his involvement in the union activities. The Enquiry Officer never tendered any reasonable opportunity to the worker to explain his reasons for charges levelled against him. The enquiry proceedings was unilateral without considering the Petitioner to explain his reasons. Therefore, the act of the Respondent is against the Principles of Natural Justice. Hence, the termination of the Petitioner is not justified and liable to be set aside.

(ix) The evidence adduced by the Respondent Management in the enquiry is not convincing and the complaints are not reasonable, they are fabricated only in order to suppress real fact. The evidences were created with ulterior motive to terminate the workmen at once. The management after submission of the proper evidences by the workmen refused to accept the same. The attitude of the Respondent Management is put out of service of the workmen due to his involvement in Union activities.

(x) In the enquiry proceedings, the Enquiry Officer acted unilaterally in support of the Management, she refused to record the statements and evidence of the Petitioner. When this was agitated by the Petitioner several times, so this act of the Enquiry Officer prevented the Petitioner to bring out the truth. The Management issued the charge sheet on 15-11-2014 and initiated the enquiry after lapse of seven months *i.e.*, on 23-06-2015. The method adopted by the Enquiry Officer is very hared and no justice finds place in it. The Enquiry Officer acted for the benefit of the Management all along the enquiry proceeding and there is no fair play of justice in the enquiry proceedings. The main object of the enquiry is to put out the workmen who indulged in Union activities, which displeased the Respondent Management. The punishment is also not as per the Standing Orders, the whole proceeding is only to put out the workman. Therefore, the Petitioner prays for reinstatement with continuity of service and pay full back wages from the date of termination till the date of reinstatement. Hence, the petition.

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

The Petitioner was working in the Respondent Company as an Operator and he was arrested by the Thirubuvanai Police Station for indulging in criminal acts under section 147 148, 307, 323 r/w 149 IPC on 05-08-2014. The Petitioner was under the Judicial custody for about 20 days. However, the Petitioner has not intimated the fact to the Management and was on unauthorized absent from 06-08-2014. Therefore, action was initiated for his unauthorized absence and also for the suppression of facts. Considering the general attitude and behavior of the Petitioner he was placed under suspension pending enquiry with a view of conducting the enquiry in a peaceful atmosphere. The Petitioner was also given subsistence allowance during the period of suspension under the Industrial Employment Standing Orders Act, 1946.

(ii) Domestic Enquiry was conducted by an independent Enquiry Officer during Suspension period. The Enquiry Officer had conducted her enquiry in an unbiased manner by giving due opportunities to the Petitioner and submitted her report, dated 13-05-2017 stating that the charges levelled against the Petitioner was proved. Accordingly, a Second Show Cause notice, dated 12-07-2018 was issued to the Petitioner communicating the proposed punishment. The reply given by the Petitioner was not satisfactory. Since, the Management considered it as a fit case for termination, the Petitioner's services were terminated in proportion to the misconduct committed by him with effect from 01-12-2017.

(iii) The disciplinary action was taken under the Certified Standing Orders of the Company for the misconduct committed by the Petitioner. Therefore, the action taken by the Management was completely by the book and had no ulterior motive. The punishment given to the Petitioner was in proportion to the misconduct committed by him. The allegations of the Petitioner mentioned in his petition are vexatious and not maintainable. Hence prayed for dismissal of the claim petition.

4. Notice to both parties given. Both appeared through their Counsel. Claim petition filed on the side of the Petitioner/Workman. Counter also filed by the Respondent/Management. On Petitioner side, PW1 examined in chief and Ex.P1 to P7 marked. PW1 was also cross examined by the Respondent/Management counsel. Petitioner side evidence closed with PW1. On Respondent/Management side, RW1 examined in chief

and Ex.R1 to R21 marked. He was also cross examined by the Petitioner Counsel. Through RW1 during his cross examination, Ex.P8 and P9 were marked on Petitioner side as his exhibits. Respondent side evidence also closed with RW1. The case was posted for arguments.

5. When, the case posted for hearing both side arguments, both argued their respective cases and when the arguments was in part and posted for reply on either side, both the parties filed Joint Compromise Memo signed by both the parties and their Counsel, as the Industrial Disputes has been settled between them under section 18(1) settlement. The said copy of 18(1) settlement also enclosed along with the Joint Compromise Memo.

6. Heard both on the Joint Compromise memo, perused the Joint Compromise Memo and Settlement under section 18(1) and same recorded.

7. In view of the Joint Compromise Memo and the Settlement arrived u/s.18(1) of Industrial Disputes Act between the parties of the Industrial Dispute, the Award is passed as Industrial Dispute is closed as mutually settled between the parties as per the Settlement entered between them under section 18(1) of Industrial Disputes Act. The Joint Compromise Memo and Settlement under section 18(1) of Industrial Disputes Act, dated 06-05-2023 shall form part and parcel of the Award. No Costs.

Dictated to the Stenographer, directly typed by him, corrected and pronounced by me in the open Court on this the 12th day of May, 2023.

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

List of petitioner's witness:

PW.1 — 16-07-2022 Kumar

List of petitioner's exhibits :

Ex.P1 — 13-08-2014 Photocopy of the letter to the Respondent Management by the Petitioner's Mother.

Ex.P2 — 20-08-2014 Photocopy of the letter to the Respondent Management by the Petitioner's Mother.

Ex.P3 — 30-08-2014 Photocopy of the letter to the Respondent Management by the Petitioner.

- Ex.P4 — 04-09-2014 Photocopy of the letter to the Respondent Management by the Petitioner.
- Ex.P5 — 28-08-2014 Photocopy of the Order in CrI.O.P. No. 22614/2014 of the Hon'ble High Court of Madras.
- Ex.P6 — 08-09-2014 Photocopy of the letter to the Management by the Petitioner.
- Ex.P7 — 12-04-2016 Photocopy of the letter to the Enquiry Officer.
- Ex.P8 — 23-06-2015 Photocopy of the Enquiry Report of the Enquiry Officer.
- Ex.P9 — 07-07-2012 Photocopy of the letter to the Management by the Petitioner Union.

List of Respondent's witness:

- RW1 — 14-11-2022 Sivamuthu, Senior Executive of the Respondent Management.

List of Respondent's exhibits: Nil

- Ex.R1 — 05-08-2014 Photocopy of the FIR filed by Thirubuvanai Police Station (Page 1 to 2).
- Ex.R2 — 06-08-2014 Photocopy of the News published in Malai Malar Newspaper. (Pg. 4).
- Ex.R3 — 06-08-2014 Photocopy of the News published in Tamizh Murasu (Pg.3).
- Ex.R4 — 11-08-2014 Photocopy of the Show Cause Notice-cum-Suspension Order issued by the Respondent along with Postal receipt.
- Ex.R5 — Photocopy of the Postal Cover refused and returned to the Management.
- Ex.R6 — 13-08-2014 Photocopy of the letter sent by the Petitioner's Mother to the Respondent and it was received on 18-08-2014.
- Ex.R7 — 20-08-2014 Photocopy of the letter sent by the Petitioner's Mother to the Respondent.

- Ex.R8 — 08-09-2014 Photocopy of the Memorandum issued by the Respondent with A/D Card.
- Ex.R9 — 16-09-2014 Photocopy of the Memorandum issued by the Respondent with A/D Card.
- Ex.R10 — 15-11-2014 Photocopy of the Charge Sheet with Enquiry Intimation issued by the Respondent with postal receipt.
- Ex.R11 — 13-05-2017 Photocopy of the Enquiry Report.
- Ex.R12 — 15-06-2017 Photocopy of the 2nd Show cause notice issued by the Respondent with A/D card.
- Ex.R13 — 22-06-2017 Photocopy of the requisition letter sent by the Petitioner for time extension to give his reply along with postal cover.
- Ex.R14 — 26-06-2017 Photocopy of the reply letter sent by the Respondent for granting time for Petitioner's reply along with A/D card.
- Ex.R15 — 10-07-2017 Photocopy of the requisition letter sent by the Petitioner for time extension to give his reply.
- Ex.R16 — 12-07-2017 Photocopy of the reply letter sent by the Respondent for granting time for Petitioner's reply along with postal A/D Card.
- Ex.R17 — 23-08-2017 Photocopy of the reply letter given by the Petitioner.
- Ex.R18 — 28-11-2017 Photocopy of the Termination Order issued by the Respondent with Cheque for one month pay with A/D Card.
- Ex.R19 — Photocopy of the Certified Standing order of the Company.

Ex.R20 — 08-09-2014 Photocopy of the letter sent by the Petitioner to the Respondent Management.

Ex.R21 — 18-09-2014 Photocopy of the letter sent by the Petitioner to the Respondent Management.

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

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 121/AIL/Lab./T/2023,
Puducherry, dated 8th December 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 07/2023, dated 15-05-2023 of the Labour Court, Puducherry, in respect of dispute between the management of M/s. Gencor Pacific Auto Engineering Private Limited, Puducherry and the petitioner Thiru K. Jayakumar, over his non-employment with continuity of service along with back wages and other 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 23-5-1991, 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.

Monday, the 15th day of May, 2023

I.D. (L) No. 07/2023
CNR. No. PYPY06-000044-2023

Jayakumar,
S/o. Thangarasu,
No. 21, Bank Street,
Thirubuvanai,
Puducherry.

.. Petitioner

Versus

The Managing Director/CEO,
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 15-05-2023 before me for final hearing in the presence of Thiruvallargal K. Velmurugan and P. Preethi, Counsels for the Petitioner, Thiruvallargal 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. 25/AIL/Lab./T/2023, dated 23-02-2023 of the Labour Department, Puducherry, to resolve the following dispute between the Petitioners and the Respondent, *viz.*,

(a) Whether the dispute raised by the Petitioner Thiru T. Jayakumar against the Management of M/s. Gencor Pacific Auto Engineering Private Limited, Thirubuvanai, Puducherry, over non-employment with continuity of service along with back wages and other attendant benefits is justified or not? If justified, to what relief, the Petitioner is entitled in this dispute?

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

2. Notice served to both parties. Petitioner appeared. Respondent appeared through his Counsel. The matter has been posted to 09-05-2023 for filing claim statement by the Petitioner. 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 and Respondent Counsel present. Memo filed by the Petitioner to record the settlement under section 18(1) of the Industrial Disputes 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 Counsels.

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 the open Court on this the 15th day of May, 2023.

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

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

No. 8558/AIL/Lab./G/2021/51,
Puducherry, dated 12th January 2024.

ORDER

In pursuance of the directions of the Ministry of Labour and Employment, Government of India, New Delhi vide D.O. Letter No. M-16011/34/2021-SS-III, dated 31st August, 2023, it is proposed to constitute District Level Committee to provide accidental risk cover to all the Unorganised Workers registered on eShram Portal in Puducherry District as follows:

Sl. No.	Officials	Position
(1)	(2)	(3)
1	District Magistrate (DM)	.. Chairperson
2	Superintendent of Police	.. Committee Member.
3	Medical Superintendent, Government General Hospital, Puducherry.	.. Committee Member.
4	Deputy Labour Commissioner	.. Committee Member.

(1)	(2)	(3)
5	Subdivisional Magistrate (SDM) designated by District Magistrate.	.. Member-Secretary.

2. The Term of Reference (ToR) of the District Level Committee will be as under:

- (a) Monitoring and review of activities under these Guidelines on weekly basis.
- (b) Checking of under process claims and submitted claims.
- (c) Resolving queries and grievances.
- (d) The Committee shall meet at least once a month.

(By order of the Chief Secretary)

P. RAGINI,
Under Secretary to Government
(Labour).

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

No. 8558/AIL/Lab./G/2021/52,
Puducherry, dated 12th January 2024.

ORDER

In pursuance of the directions of the Ministry of Labour and Employment, Government of India, New Delhi vide D.O. Letter No. M-16011/34/2021-SS-III, dated 31st August, 2023, it is proposed to constitute State Level Monitoring Committee to provide accidental risk cover to all the Unorganised Workers registered on eShram Portal in the Union territory of Puducherry as follows:

Sl. No.	Officials	Position
(1)	(2)	(3)
1	Secretary to Government (Labour).	.. Chairperson
2	Deputy Inspector-General of Police	.. Committee Member.
3	Regional Director, Employees State Insurance Corporation, Puducherry.	.. Committee Member.
4	Deputy Welfare Commissioner (Central) Puducherry.	.. Committee Member.
5	Labour Commissioner	.. Member-Secretary.