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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 122/AIL/Lab./T/2023,
Puducherry, dated 11th December 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 39/2022, dated 04-05-2023 of the Industrial Tribunal, Puducherry, in respect of the industrial dispute between the M/s. ATC Chemicals India Private Limited, Puducherry and All India United Trade Union Centre (AIUTUC), Puducherry, over payment of Bonus to Thiruvalargal Prasanth Kumar Behra and 4 others 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.

Thursday, the 4th day of May, 2023

I.D. (L) No. 39/2022
CNR. No. PYPY06-000116-2022

The President/Secretary,
All India United Trade Union Centre (AIUTUC),
No. 117, 1st Floor, Cuddalore Road,
Puducherry. . . Petitioner

Versus

The Managing Director,
M/s. ATC Chemicals India Private Limited,
RS.No. 14/4-15/10-B, Kaviarasan Road,
Sedarapet, Puducherry. . . Respondent

This Industrial Dispute coming on 04-05-2023 before me for final hearing in the presence of Thiru S. Sivakumar, Secretary of the Petitioner Union, Respondent remained *ex parte* and after hearing the Petitioner side 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. 179/Lab./AIL/T/2022, dated 20-12-2022 of the Labour Department, Puducherry, to resolve the following industrial dispute between the Petitioners and the Respondent, *viz.*,

(a) Whether any Employer - Employee relationship exists between the workers namely, Thiruvalargal Prasanth Kumar Behra and 4 others, represented by the Union AITUC and the Management of M/s. ATC Chemicals India Private Limited, Puducherry.

(b) 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 Thiruvalargal (1) Prasanth Kumar behra, (2) Nabin Parida, (3) Balaram Das, (4) Beemasendas @ Rajudas and (5) Kamallesh Sharma along with back wages and other attendant benefits is legal and justified? If justified, what relief the workmen are entitled to?

(c) 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:

The Respondent Company is a Chemical Factory functioning with the workmen above 60 in numbers, without following any Labour Welfare Legislations and thereby violating the rights and benefits of the Workmen. The Respondent Management never issued any Identity Card, Appointment Order, Regularization Order, Salary Pay Slip, Overtime Salary, Festival Bonus, *etc.*, to the workmen working under the Respondent Management. There is no precautionary measures or machineries provided by the Respondent Management in order to protect the workmen who are working in the Respondent Factory.

Sl. No.	Name of the Employees	Nature of Work	Date of Appointment
(1)	(2)	(3)	(4)
1	Balaram Das	Spray Drier	01-10-2007
2	Gagan Parida	Production	01-03-2008
3	Harikrishna Nayak	Blender	01-03-2008
4	Narayan Nayak	Blender	01-02-2010
5	Prasant Behera	Store	01-02-2010
6	Bhimasen Das	Store	01-02-2010
7	Akshay Pradan	Production	01-02-2011

(1)	(2)	(3)	(4)
8	Nabin Parida	Production	01-03-2011
9	Sanjaykumar Das	Store	01-12-2013
10	Rajkishore Rana	Store	01-04-2014
11	Kamalesh Sharma	Store	01-04-2014
12	Anil Sharma	Maintenance	01-03-2015
13	Sonukumar	Store	01-12-2017
14	Balaram Behera	Blender	01-04-2018
15	Durga Kumar	Production	01-05-2019
16	Rajesh	Store	01-05-2019
17	Madankumar Sha	Blender	01-09-2019
18	Rabindra Dos	Store	01-10-2019
19	Pramodkumar Sha	Store	01-10-2019
20	Haladhar Nayak	Blender	01-11-2019

(ii) The Respondent Management did not provide any documents such as Identity Card, Appointment Order, Regularization Order, Salary Pay Slip, Overtime Salary, Festival Bonus, *etc.*, to the above-mentioned 20 workmen. In connection to this, there were several rounds of negotiations held between the workmen and Respondent Management. As all ended in vein, the Petitioner Union approached the Labour Officer (Conciliation) on 07-07-2020 and raised the industrial dispute. The Respondent Management does not follow any rules and regulations prescribed under Labour Welfare Legislations and Factories Act, 1948. All the workmen employed in the Respondent Management are permanent employees. The Respondent Management is employing the contract employees for carrying out chemical and hazardous work which are purely skilled in nature. It is a gross violation of the provisions under the Factories Act, 1948.

(iii) In the Conciliation proceedings on the petition filed by the Petitioner Union, the Respondent Management was instructed to produce some registers relating to Attendance, Salary, Overtime, Bonus, Accident and Leave before Labour Officer (Conciliation). But, the Respondent Management did not produce the same. The above-mentioned 20 workmen are permanent workers of the Respondent Management and the same can be seen from the agreement, dated 07-11-2020 entered between Respondent Management and Petitioner Union. Respondent Management has issued Identity Card, Appointment Order, Regularization Order, Salary Pay Slip, Overtime Salary, *etc.*, to the other employees. But, it refused to extend those benefits to the petition mentioned 20 workmen, which is totally biased and amounts to unfair labour practice. Hence, the petition.

3. Notice served to both the Petitioner and Respondent. Petitioner appeared. Whereas, the Respondent has not appeared. Service sufficient. Respondent called absent and set *ex parte* on 14-02-2023. Claim petition filed by the Petitioner on same day.

4. *Point for determination:*

Whether the Petitioner Workmen are entitled for the prayer for issuance of Identity Cards, Appointment Order, Regularization Order and Monthly Salary Pay Slip as prayed in the Claim Petition?

5. *On point:*

Petitioner/Secretary of the Petitioner Union examined himself as PW1. Ex.P1 to P8 were marked. Since, Respondent set *ex parte*, no counter and cross-examination done on PW.1. Heard the Petitioner.

6. *On the point:*

The Labour Department, Government of Puducherry referred this industrial dispute for reinstatement of 5 workmen as mentioned in the reference with back wages and attendant benefits and to decide whether any employer employee relationship between the said 5 workmen and Respondent Management. Claim petition filed by the Petitioner Union wherein it is sought for the issuance of Identity Card, Appointment Order, Regularization Order, Salary Pay Slip, *etc.*, to the 20 workmen mentioned in the claim petition. Respondent set *ex parte* for his non appearance. Proof affidavit filed by the Petitioner Union and the same taken on file. Along with the proof affidavit, the Petitioner Union has filed eight documents as exhibits.

7. Heard the Petitioner Union. During arguments the Petitioner Union represented that presently the 5 workmen mentioned in the reference have reinstated by the Respondent Management and they got back their employment. Hence, the relief of reinstatement does not arise. Further, he also stated in the claim statement as well as in the proof affidavit filed by the Petitioner Union that the prayer of the Petitioner Union is only with regard to an order directing the Respondent Management to issue Identity Cards, Appointment Order, Regularization Order and Salary Pay Slip to the workmen. Memo also filed by the Petitioner Union during arguments to this effect. It is a case of the Petitioner Union that some of the employees working under the Respondent Management were issued with the said documents such as Identity Cards, Appointment Order, Regularization Order and Salary Pay Slip. Only the 20 workmen mentioned in the list found in the claim

statement have not been issued with Identity Cards, Appointment Order, Regularization Order and Salary Pay Slip. On Petitioner side Ex.P4 which is the minutes of the meeting held on 07-11-2020 produced, wherein the terms and conditions of the settlement as per demand, dated 21-09-2020 are listed out. In the Ex.P4 it is mentioned that Labourers are agreed to come back to work in factory from 09-11-2020. Ex.P6 is a claim submitted by the Petitioner Union before the Labour Officer (Conciliation), wherein the demand of issuance of Identity Cards, Appointment Order, Regularization Order and Salary Pay Slip were placed along with request for reinstatement. Since the prayer for issuance of Identity Cards, Appointment Order, Regularization Order and Salary Pay Slip to the workmen has been duly raised before the Labour Officer (Conciliation), though presently the workmen were given re-employment as seen from the memo filed by the Petitioner Union, this Court felt that the claim of the Petitioner Union seeking for an order directing the Respondent Management to issue Identity Cards, Appointment Order, Regularization Order and Salary Pay Slip as proper and maintainable.

8. The Respondent Management did not appear before this Court nor submitted its version of objection on the claim petition filed by the Petitioner Union. Having remained *ex parte*, the Respondent Management has not chosen to rebut the evidence and the claim filed by the Petitioner Union and the claim remained un-rebutted and un-shattered. Being the employers working under the Respondent Management, it is the bounden duty of the Respondent Management to issue Identity Cards, Appointment Order, Regularization Order and Salary Pay Slip to its workmen. Hence, the point for determination is decided accordingly in favour of the Petitioner Union and the claim is allowed.

9. In the result, the industrial dispute raised by the Petitioner Union is justified. As the 5 workmen mentioned in the reference were already reinstated, the Respondent Management is hereby directed to issue the Identity Cards, Appointment Order, Regularization Order and Monthly Salary Pay Slip to the workmen in accordance with law as prayed in the claim petition. No costs.

Dictated to the Stenographer, directly typed by him, corrected and pronounced by me in open Court on this the 04th day of May, 2023.

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

List of petitioner's witness:

PW.1 — 22-03-2023 Thiru Sivakumar, State Secretary, AIUTUC, Puducherry.

List of petitioner's exhibits:

- Ex.P1 — 07-07-2020 Photocopy of the Form-L to the Labour Officer (Conciliation), Puducherry.
- Ex.P2 — 12-10-2020 Photocopy of the RTI Application submitted to The Deputy Labour Commissioner -cum-Public Information Officer.
- Ex.P3 — 19-10-2020 Photocopy of the Form-3 (reply to the RTI) given to the Petitioner.
- Ex.P4 — 07-11-2020 Photocopy of the Minutes of the meeting held on 07-11-2020.
- Ex.P5 — 11-11-2020 Photocopy of the RTI reply given to the Petitioner (in Tamil).
- Ex.P6 — 21-02-2020 Photocopy of the Letter given by the Petitioner Union to the Labour Officer (Conciliation), Puducherry.
- Ex.P7 — 10-10-2022 Photocopy of the Failure Report.
- Ex.P8 — 20-12-2022 Photocopy of the Government Order issued against the Failure Report.

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. 123/AIL/Lab./T/2023,
Puducherry, dated 11th December 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 38/2022, dated 22-06-2023 of the Labour Court, Puducherry, in respect of the industrial dispute between the management of M/s. Matrix Stampi Limited, Sedarapet, Puducherry and Thiru Mohan Kumar, over, his non-employment with back wages has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the Notification issued in Labour Department's G.O. Ms. No. 20/9/Lab./L, dated 23-05-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

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

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

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

Thursday, the 22nd day of June, 2023

I.D. (L) No. 38/2022
CNR. No. PYPY06-000113-2022

Thiru Mohan Kumar,
S/o. Mannangatti,
No. 3, Vinayagar Koil Street,
Ramalingam Nagar,
Muthialpet,
Puducherry.

.. Petitioner

Versus

The Managing Director,
M/s. Matrix Stampi Limited,
Rs. No. 19/1 and 4/4,
Mylam-Pondy Road,
Sedarapet, Puducherry.

.. Respondent

This Industrial Dispute coming on 05-06-2023 before me for final hearing in the presence of Thiruvalargal A. Mithun Chakravarthy and R. Jayaraman, Counsels for the Petitioner, Respondent remained *ex parte* as counter not filed and after hearing the Petitioner side and perusing the case records, this Court delivered the following:

AWARD

This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 159/Lab./AIL/T/2022, dated 20-12-2022 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 Thiru M. Mohan Kumar against the Management of M/s. Matrix Stampi Limited, Sedarapet, Puducherry, over his non-employment along with back wages and other attendant benefits is justified or not? If justified, what relief he 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:

The Petitioner is a workman, employed in the Respondent establishment at Puducherry and from 06-09-2011 onwards he was receiving monthly wages from the Respondent Management with deduction of EPF and ESI. The Petitioner was in service he had discharged his duty efficiently without any adverse remarks.

(ii) That on 28-11-2018, the Respondent Management had issued a show cause notice to the Petitioner with false allegation and for the same, the Petitioner has given reply on 01-12-2018 and the Respondent has again issued another show cause notice with new false allegation on 05-12-2018 and for the same, the Petitioner has given reply on 06-12-2018. The Petitioner is no way connected to the false allegation, after receiving the reply by the Respondent, surprisingly, the Respondent on 06-03-2021 the Respondent had issued a Termination Order to Petitioner without any reasonable cause and without assigning reason simply denied employment to the Petitioner. After denial of employment, the Petitioner approached the Respondent in person and also made several requests to the Respondent to provide employment but, the Respondent did not pay any heed on the request of the Petitioner. Further, the Respondent has sent a cheque of ₹ 44,120 along with the Termination Order and the petitioner has returned the same to the Respondent. The act of the Respondent is a clear act of victimization, which amount to unfair labour practice.

(iii) The termination of Petitioner Mohan Kumar on 06-03-2021 is an unfair labour practice and illegal and it is liable to be set-aside. The Petitioner is entitled to reinstate with full back wages, continuity of service, and all other attendant benefits. The termination of Petitioner Mohan Kumar without any reasonable cause to the Petitioner is arbitrary, illegal and clear act of violation of principles of natural justice and violation of model standing order and it is clear of unfair labour practice as enumerated in Schedule V part I clause (a), (b), (d), (f) and 16 of the Industrial Disputes Act. Further, denial of employment in violation of section 25(F) of the Industrial Disputes Act which is illegal.

(iv) The Petitioner was employed in the year 2011. Ever since till, he was illegally terminated from service he had been continuously working in the Respondent establishment. The Respondent terminated

the Petitioner from service on certain misconduct, but, before terminating the Petitioner, the Respondent had not conducted any enquiry to prove the charge against the Petitioner but, without conducting enquiry terminated the service of the Petitioner which is violation of Industrial Employment Standing Order applicable to the Respondent establishment and therefore, the termination order is illegal.

(v) The Petitioner from date of joining till he terminated from service he has rendered more than 9 years continuous service and therefore, the termination of the Petitioner service in violation of provision of section 25(F) of the Industrial Disputes Act is illegal. Hence, the claim for the reinstatement.

3. Notice served to both the Petitioner and Respondent. Petitioner appeared and engaged an Advocate to represent him and filed Claim Statement, but, the Respondent inspite of receipt of notice has remained absent and hence, the Respondent Management was set *ex parte* on 18-01-2023.

4. *Point for determination:*

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

5. *On Point:*

Respondent remained *ex parte* and the Petitioner filed Proof affidavit and examined himself as PW1. Exs.P1 to P9 were marked.

6. *On the point:*

The learned Counsel for the Petitioner in his argument submitted that ever since the date of his appointment on 06-09-2011 the Petitioner has discharged his duties without any adverse remarks and without any misconduct. The learned Counsel for Petitioner further submitted that while so on 28-11-2018, the Respondent Management had issued a show cause notice to the Petitioner with false allegation and for the same, the Petitioner has given reply on 01-12-2018 and the Respondent has again issued another show cause notice with new false allegation on 05-12-2018 and for the same, the Petitioner has given reply on 06-12-2018, but, surprisingly after lapse of three years on 06-03-2021, the Respondent had issued a Termination Order to Petitioner without any reasonable cause and without assigning reason simply denied employment to the Petitioner. The learned Counsel for Petitioner further submitted that the Respondent Management without conducting proper domestic enquiry has terminated

the Petitioner from service and the same is unknown to the labour jurisprudence and therefore, pray for reinstatement of the Petitioner in the services of the Respondent management with continuity of service and all other attendant back wages.

7. This Court has carefully considered the evidence of PW1 exhibits marked on the Petitioner side and the arguments advanced by the learned Counsel for the Petitioner side. Since, the Respondent management has not considered the request of the Petitioner, it is found that the Petitioner has approached the Labour Conciliation Officer and later the Conciliation also ended in failure hence, the reference has been made to this Court for adjudication.

8. This Court finds that though the Respondent management has raised various allegations as against the Petitioner in the documents filed by the Petitioner it is found that there is no any document to show that proper enquiry has been held with regard to the said allegations. Further, it is not the case of the Respondent that the petitioner was gainfully employed somewhere else.

9. The Petitioner is found to be in the services of the Company for about 9 years. The Respondent management has not followed the principles of law and the principles of natural justice before terminating the services of the Petitioner. The Petitioner who was in the services of the Respondent company would have certainly affected by the unexpected termination of his employment. Under Article 21 of the Constitution the right to life includes right to live with human dignity one cannot live with human dignity when his employment is at peril. This Court is of the considered opinion that the Respondent management having failed to follow the principles of law and the principles of natural justice is liable to reinstate the Petitioner with continuity of service, back wages and all other attendant benefits.

In the result, the petition is allowed. The Respondent Management is directed to reinstate the Petitioner with continuity of service. The respondent management is further directed to pay his back wages with full back wages and all other attendant benefits. There is no order as to costs.

Dictated to the Stenographer, directly typed by him, corrected and pronounced by me in open Court on this the 22nd day of June, 2023.

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

List of petitioner's witness:

PW.1 — 24-05-2023 Thiru Mohan Kumar

List of petitioner's exhibits:

- Ex.P1 — Photocopy of the Identity Card of the Petitioner issued by the Respondent Management.
- Ex.P2 — Photocopy of the ESI Card of the Petitioner.
- Ex.P3 — Photocopy of the EPF Card of the Petitioner.
- Ex.P4 — 28-11-2018 Photocopy of the show cause Notice issued by the Respondent to the Petitioner.
- Ex.P5 — 05-12-2018 Photocopy of the show cause Notice issued by the Respondent to the Petitioner.
- Ex.P6 — 06-03-2021 Photocopy of the Termination Order issued by the Respondent to the Petitioner.
- Ex.P7 — 06-12-2018 Photocopy of the reply to the show cause Notice by the Petitioner.
- Ex.P8 — Nov. 2018 Photocopy of the Salary Slip of the Petitioner.
- Ex.P9 — 12-09-2022 Photocopy of the Conciliation Failure Report.

List of respondent's witnesses: Nil

List of respondent's exhibits: Nil

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

GOVERNMENT OF PUDUCHERRY
HINDU RELIGIOUS INSTITUTIONS AND WAQF

(G.O. Ms. No. 48/CHRI/T.4/2023,
Puducherry, dated 03rd January 2024)

ORDER

Adverting to the Orders, dated 30-06-2023 of the Hon'ble High Court of Judicature at Madras in W.P. Nos. 34726 of 2022 and 3241 of 2023, and G.O. Ms. No. 1/CHRI/T.2/2023, dated 14-07-2023 and in exercise of the powers conferred under the Puducherry Hindu Religious Institutions Act, 1972,

Thiru K. Ayanar, s/o. Kaliamoorthi, Primary School Teacher, MGGMS, Nellithope, Puducherry, is hereby appointed as Temple Administrative Officer of Arulmigu Sri Sundara Vinayagar Sri Muthumariamman Thirukoil, Thimmanaickanpalayam, Ariyankuppam Commune Panchayat, Puducherry, on honorary basis. The Temple Administrative Officer shall administer the said Devasthanam as envisaged in the provisions of the Puducherry Hindu Religious Institutions Act, 1972 and the rules framed thereunder.

Important duties and responsibilities of the Temple Administrative Officer are given below :

- (i) To take over the administration of the said Devasthanam along with movable and immovable assets;
- (ii) Submission of compliance report on taking over of the administration of the temple along with the details of movable and immovable properties with a period of fifteen days from taking over the administration;
- (iii) Submission of annual report on maintenance of movable and immovable assets including the cleaning and desilting of temple ponds;
- (iv) To coordinate and facilitate the completion of work undertaken by donors as per rule 13 (9);
- (v) Submission of annual budget by March as per rule 13 of the Act;
- (vi) To maintain accounts as per sections 14 to 17 of Hindu Religious Institutions Act and to get the accounts audited annually by the Directorate of Accounts and Treasuries, Puducherry;
- (vii) Shall ensure that the Poojas and Festivals are conducted according to the customs followed by the Devasthanam;
- (viii) Shall collect all debts and funds due to the Institution and secure them from the loss or risk of loss;
- (ix) Shall ensure that appropriate proceedings are instituted to effect all debts and funds due to the Institution or recovery thereof and also to defend such action against the Institution in respect of the property of the Institution;
- (x) Shall not connive at or facilitate any act or conduct of another person which would involve a breach of trust or occasion risk or loss to the property belonging to the Institution;
- (xi) Shall strictly conform to and carry out the terms and shall not encumber the properties of the Institution by persistently incurring expenditure beyond the limits of the income of the property of the Institution;