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பொருளடக்கம்

SOMMAIRES

CONTENTS

| | பக்கம் | | Page | | Page |
|----------------------------------|--------|--|--------|-------------------------------------|--------|
| தொழில் நீதிமன்றத் தீர்ப்புகள் .. | 182 | Sentence arbitral du Travail de Tribunal | .. 182 | Award of the Labour Court .. | 182 |
| அரசு அறிவிக்கைகள்/ ஆணைகள் | .. 188 | l' Notifications/Orders du Gouvernement | .. 188 | Government Notifications/ Orders | .. 188 |
| ஒப்ப அறிவிப்புகள் | .. 192 | Avis d' appel d' offres | .. 192 | Tender Notices | .. 192 |
| ஆபத்தான நிறுவனங்கள் | .. 193 | Etablissements dangereux | .. 193 | Dangerous Establishments | .. 193 |
| சாற்றறிக்கைகள் | .. 194 | Annonces | .. 194 | Announcements | .. 194 |
| திருத்தம் | .. 198 | Corrigendum | .. 198 | Corrigendum | .. 198 |

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 124/AIL/Lab./T/2023,
Puducherry, dated 11th December 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 12/2019, 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 T. Sivakumar, Madagadipet Post, 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. 12/2019
CNR. No. PYPY06-000018-2019

Sivakumar,
S/o. Thulasingham,
No. 48, Main Road, DBG Nagar,
Kalitheerthalkuppam,
Madagadipet Post,
Puducherry. . . Petitioner

vs.

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. 23/AIL/Lab./T/2019, dated 11-02-2019 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 T. Sivakumar, Madagadipet Post, 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 manufacturer of spare parts/bed mould for whirlpool washing machine and Godrej Products functioning at Puducherry. 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 on 05-01-2015. 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 worker 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 initiated the enquiry on the 05-01-2015. 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 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 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 05-01-2015. 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 on 05-01-2015. The method adopted by 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 sections 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 P8 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.P9 was 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 ID 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 under section 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 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 — 06-07-2022 Sivakumar

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 along with A/D Card.

- Ex.P3 — 30-08-2014 Photocopy of the letter to the Respondent Management by the Petitioner along with A/D Card.
- Ex.P4 — 04-09-2014 Photocopy of the letter to the Respondent Management by the Petitioner along with A/D Card.
- 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 — 04-04-2015 Photocopy of the letter given by the Petitioner to the Enquiry Officer.
- Ex.P7 — 16-06-2016 Photocopy of the letter given by the Petitioner to the Enquiry Officer.
- Ex.P8 — 08-09-2014 Photocopy of the letter to the Management by the Petitioner.
- 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:

- 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.
- Ex.R5 — — Photocopy of the Postal Cover refused and returned to the Management.

- Ex.R6 Series 13-08-2014 Photocopy of the letter sent by the Petitioner's mother to the Respondent and it was received on 18-08-2014 with postal cover.
- Ex.R7 Series — 20-08-2014 Photocopy of the letter sent by the Petitioner's mother to the Respondent and it was received on 18-08-2014 with postal cover.
- Ex.R8 Series — 08-09-2014 Photocopy of the Memorandum issued by the Respondent with A/D Card.
- Ex.R9 Series — 16-09-2014 Photocopy of the Memorandum issued by the Respondent with A/D Card.
- Ex.R10 Series — 15-11-2014 Photocopy of the Charge-Sheet with Enquiry Intimation issued by the Respondent with A/D Card.
- Ex.R11 — 18-05-2017 Photocopy of the Enquiry Report.
- Ex.R12 Series — 15-06-2017 Photocopy of the 2nd show cause notice issued by the Respondent with A/D Card.
- Ex.R13 Series — 23-06-2017 Photocopy of the requisition letter sent by the Petitioner for time extension to give his reply along with RPAD.
- Ex.R14 — 26-06-2017 Photocopy of the reply letter sent by the Respondent for granting time for Petitioner's reply.
- 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 with postal receipt and A/D Card.

- Ex.R17 — 23-08-2017 Photocopy of the reply letter given by the Petitioner along with Certificate and postal cover.
- 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 with postal cover.
- Ex.R21 — 18-09-2014 Photocopy of the letter sent by the Petitioner to the Respondent Management with postal cover.

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

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 125/AIL/Lab./T/2023,
Puducherry, dated 11th December 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 30/2022, dated 15-05-2023 of the Industrial Tribunal, Puducherry, in respect of Dispute between the M/s. Gencor Pacific Auto Engineering Private Limited, Puducherry and the petitioner's Union Gencor Pacific Auto Engineering Thozhilalargal Naam Thamizhar Thozhir Sangam, over charter of demands regarding wage revision, protection of service conditions of workers and other allowances, *etc.*, has been received;

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

(By order)

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

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

Present : Tmt. V. SOFANA DEVI, M.L.,
Presiding Officer.

Monday, the 15th day of May, 2023.

I.D. (T). No. 30/2022
CNR. No. PYPY06-000065-2022

The President/Secretary,
Gencor Pacific Auto Engineering Thozhilalargal
Naam Thamizhar Thozhirsangam,
No. 21, Bank Street, Thirubuvanai,
Puducherry. . . Petitioner

Vs.

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

This industrial dispute coming on 15-05-2023 before me for final hearing in the presence of Thiruvalargal K. Velmurugan and P. Preethi, Counsel for the Petitioner, Thiruvalargal L. Sathish, T. Pravin, S. Velmurugan, E. Karthick, S. Sudarsanan and E. Madhivanan, 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. 95/Lab./AIL/T/2022, dated 10-06-2022 of the Labour Department, Puducherry, to resolve the following dispute between the Petitioner and the Respondent, *viz.*,

(a) Whether the dispute raised by the Petitioner's Union "Gencor Pacific Auto Engineering Thozhilalargal Naam Thamizhar Thozhirsangam", against the Management of M/s. Gencor Pacific Auto Engineering Private Limited, Thirubuvanai, Puducherry, over charter of demands regarding wage revision, protection of service conditions of workers and other allowances, *etc.*, is justified or not? If justified, to give appropriate direction to what remedies to be entitled in this dispute?

(b) Whether the stand taken by the Management of M/s. Gencor Pacific Auto Engineering Private Limited, Puducherry, regarding non-recognition of the Petitioner's Union duly registered under the Trade Unions Act, 1926 is legal and justified? If justified, to give appropriate direction.

(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 averred in the claim petition:*

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

(ii) The Plant head of the Respondent Factory started threatening the Office Bearers and other members of Petitioner's Union saying that he will transfer them to some other unit if, they continue the Trade Union activities any more further. The act of the Respondent Management in curbing the lawful Trade Union activities of the Petitioner Union is unjustifiable, improper and illegal. An Advocate notice, dated 10-06-2021 addressed both to the Office of the Labour Commissioner, Puducherry and to the Plant Head of the Respondent Factory. Subsequently, the Petitioner Union has given charter of demands to the Plant Head of the Respondent Factory but, he willfully refused to receive the same.

The Petitioner has sent another Advocate notice, dated 21-06-2021 along with the charter of demands so as to hold negotiation talks and thereby to arrive an amicable settlement. The Respondent issued a reply notice, dated 23-06-2021 with false and frivolous allegations. The Petitioner Union has also given their representation, dated 21-06-2021 to the Labour Officer (Conciliation), Puducherry, raising various charter of demands and thereby initiated the present industrial dispute.

(iii) The Respondent Management has filed its reply, dated 03-08-2021 with vague and evasive reply. The Petitioner Union has raised the present industrial dispute before the Labour Officer (Conciliation), Puducherry, in respect of revision of their wages and also for recognition of their Trade Union by the Respondent Management. Hence, the petition.

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

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

(ii) The Petitioner doesn't have the *locus standi* to continue functioning as a Trade Union for it to raise any industrial dispute. Petitioner in its claim petition has not even pleaded the dates on which it sought management's recognition and the date when Respondent denied it. For an industrial dispute to be referred to this Court for adjudication, there must have been a demand made by the Union and it must have been denied by the Respondent Management. The charter of demands for wage revision and other benefits is not supported, endorsed or backed by any of the workers including the so called members of the Union. The revised wage structure accepted by all the current workers shall prevail over the charter of demands of Petitioner Union and it cannot insist on adjudication of their demand for wage revision. Therefore, the charter of demands raised by the Petitioner has become infructuous.

(iii) The essential elements for demand for wage revision shall be region-*cum*-industry principle and the cost of living index of the particular region. Once again the Petitioner has not given any comparative details on these vital aspects essential for the Tribunal to even consider the demand for wage revision. Hence, the gross wages that is being paid by Respondent is much more than the minimum wages fixed by the Government. Respondent gives a standard annual increment of 7% to 10% to all its worker in the normal circumstances. Apart from the standard wages, it also pays monthly production and sale incentives at 7% of gross wages based on performance of workers. Hence, the claim petition is liable to dismissed.

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

3. On 04-05-2023, both parties present with their respective Counsel. Memo filed by the Petitioner to record the settlement under section 18(1) of the Industrial Dispute Act. The said settlement also enclosed along with hearing advance petition. Heard both on the settlement. Copies of the identity proof filed by the parties. In the memo filed by the Petitioner requested for close the industrial dispute as settled out of Court. In which notice has given to the Respondent. In the said notice the Respondent Counsel submitted as the matter is comprehensively settled, Reference cannot be closed and requested to pass an Award in terms of under section 18(1) settlement. Matter is posted on 10-05-2023 for hearing both the Counsel.

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

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

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

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

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

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G.O. Rt. No. 04/Lab./AIL/T/2023,
Puducherry, dated 04th January 2024)

NOTIFICATION

Whereas, the Government is of the opinion that an industrial dispute has arisen between the management of M/s. Vinayaka Mission's Medical College and Hospital, Keezhakasakudimedu, Karaikal and the Union workmen represented by the Union for all Staff in Vinayaka

Mission's Medical College and Hospital P.K. Salai, Karaikal, over regularization of Fixed Term Contract Staff as Permanent Staff 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 the industrial dispute raised by the union workmen represented by Union for all Staff in Vinayaka Missions Medical College and Hospital, P.K. Salai, Karaikal, against the Management of M/s. Vinayaka Mission's Medical College and Hospital, Keezhakasakudimedu, Karaikal, over regularization of the 'Fixed Term Contract Staff' engaged in the designations as listed in Annexure-I as Permanent Staff is justified or not?

(ii) If justified, what relief the Union workmen entitled to?

(iii) To compute the relief in terms of money if, it is so be computed?

(By order)

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

ANNEXURE-I

| Sl. No. | Designation |
|---------|----------------------------------|
| (1) | (2) |
| 1 | Assistant Medical Record Officer |
| 2 | Speech and Hearing Assistant |
| 3 | Emergency Technician |