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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 108/AIL/Lab./T/2023,
Puducherry, dated 05th December 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 24/2017, dated 31-08-2023 of the Labour Court, Puducherry, in respect of dispute between the M/s. Strides Shasun Pharmaceuticals Limited, Puducherry and Thiru S. Murugan, s/o. Shenbagalingam, Puducherry, over reinstatement after correction of date of birth and 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 31st day of August 2023.

I.D. (L) No. 24/2017

CNR. No. PYPY06-000101-2017

Murugan (died),
Suseela (Legal heirs of deceased Murugan),
No. 17, Second Street,
Devaki Nagar,
Muthialpet,
Puducherry. . . Petitioner
(Impleaded as per Order in I.A. 01/2020, dated 28-01-2020.)

Versus

The Managing Director,
M/s. Strides Shasun Pharmaceuticals Limited,
R.S. Nos. 33 and 34,
Mathur Road,
Periyakalpet,
Puducherry. . . Respondent

This industrial dispute coming on 23-08-2023 before me for final hearing in the presence of Thiruvalargal S. Lenin Durai, M. Ruthra and M. Murali, Counsels for the petitioner and Thiruvalargal L. Sathish, S. Ulaganasthan, T. Pravin, S. Velmurugan, V. Veeraragavan and E. Karthik, Counsels for fee 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. 64/AIL/Lab./T/2017, dated 27-04-2017 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 Thiru S. Murugan, s/o. Shenbagalingam, Muthialpet, Puducherry, against the Management of M/s. Strides Shasun Pharmaceuticals Limited, Periyakalpet, Puducherry, over reinstatement after correction of date of birth and back wages 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. *The averments stated in the claim petition is as follows:*

The respondent company is a medicine manufacturing company running profitably and the branch of the respondent company is situated at Periyakalpet, Puducherry. The petitioner's husband had joined in the respondent company on 01-11-1980 and had been working for 36 years with utmost satisfaction of respondent company. The petitioner's husband at the time of joining had furnished wrong date of birth and thereby, the respondent company has recorded the date of birth of petitioner's husband in the service records as 04-08-1964. That later the respondent company has called for particulars from its employees and the petitioner's husband also furnished his details based upon which identity card was issued and the petitioner's husband gave a requisition letter to correct his date of birth along with Transfer Certificate but, the respondent without correcting the date of birth has informed the petitioner's husband that the petitioner's husband had reached the age of superannuation. Thereby, the act of the respondent by not permitting the petitioner's husband to complete his remaining period of service of six years eight months and three days is illegal and therefore, this claim petition is filed for reinstatement, back wages and all other attendant benefits. Hence, the Petition.

3. *The averments in the counter filed by the respondent is as follows:*

The Petitioner has no *locus standi* to raise an industrial dispute either before the Labour Officer (Conciliation) or before this Court for the following reasons:

(ii) Petitioner was not a worker within a definition of section 2(s) of the Industrial Disputes Act. The Petitioner joined the services of erstwhile Shasun Pharmaceuticals Limited, on 01-11-1980 at Chennai. The Petitioner thereafter given periodical promotions lastly, from Senior Executive to Manager - Production in Aldehyde plant *vide* letter, dated 29-02-2012. The letter of job description clearly spelled out his roles and obligations as a Manager which are extracted below:

(iii) *Extract roles and obligations:*

Production plan in shift basis. Cross check the quality of the raw materials, intermediates, solvents in every batch. Cross check and control the parameters and plant operators. Concentrate on the daily production and product yield. Maintaining the intermediates and fresh solvents receipts and issue register. Filling of batch production record, raising samples in process stage of production process. Raise MRMs to the Service Department. Checking positive pressure and weighing scale. Job allotment to the operators and their assignments. Following safety activities in the production area. Maintain shift change control register.

(iv) The roles and obligations of the Petitioner was thus to manage and look after the entire production in Aldehyde plant with as many as 15 plant operators are working directly under him and were reporting to him directly. The petitioner had pervasive control over entire production Unit of Aldehyde plant and he was the leave recommending/sanctioning authority for the workers working under him in his Unit. Petitioner was supervising the entire production and was responsible for extracting works workers in the said plant. The roles and responsibilities of the petitioner would made it abundantly clear that he discharged managerial functions and was therefore not a worker within the definition of section 2 (s) of Industrial Disputes Act. This Respondent Management has already raised a plea regarding the Jurisdiction of Labour Officer (Conciliation) in entertaining the dispute raised by petitioner as an industrial dispute, but, the Labour Officer (Conciliation) completely ignored such objections and failed the dispute. The Government of Puducherry, has also

mechanically referred the dispute to this Court without considering the fundamental objection of respondent of the status of petitioner. This Court which is Statutory Court created under the Industrial Disputes Act has limited jurisdiction to entertained only those disputes that are directly and substantially covered under the Industrial Disputes Act. Only a workman as defined under section 2(s) of Industrial Disputes Act can approach the Labour Courts constituted under the Industrial Disputes Act for redressal of any grievance. Since, the petitioner does not falls within the definition of workman under Industrial Disputes Act, he has no legal right to invoke the Jurisdiction of this Court for adjudication of this dispute.

(v) This dispute was raised by the petitioner as an individual worker demanding reinstatement after correcting his date of birth in the service records, is not an industrial dispute under section 2(A) of the Industrial Disputes Act and hence, the reference is required to be answered in the negative. It is well settled law by way of plethora of judicial precedents that an individual dispute which is not covered under section 2(A) of Industrial Disputes Act (with respect to dismissal, discharge, retrenchment or termination only) cannot become an industrial dispute unless the same is espoused by a Union or at least by sizable number of workmen. The petitioner was only superannuated on completion of 58 years as per the service records of the petitioner and hence, he was not dismissed, discharged, retrenched or terminated from service for him to raise an industrial dispute directly and hence, the Labour Officer (Conciliation) ought not to have entertained the present dispute on this count also.

(vi) The petitioner joined the services of erstwhile Shasun Pharmaceuticals Limited, Chennai, on 01-11-1980. At the time of his joining the employment, he declared his date of birth as 04-08-1958 in PF Nomination Form and ESI Nomination Form. Therefore, all the service records relating to petitioner maintained by erstwhile Shasun Pharmaceuticals Limited, carried his date of birth as 04-08-1958 which was very much to the knowledge of petitioner.

(vii) The petitioner was transferred from Chennai to Puducherry on 01-12-1987 and his service records were also transferred to Puducherry which clearly reflected his date of birth as per service records as 04-08-1958. Since, the age of petitioner in the service records was 04-08-1958 his date of retirement was 31-08-2016. It appears that petitioner gave a letter, dated 09-03-2015 to the erstwhile Management of

Shasun Pharmaceuticals, requesting for correction in date of birth, but, the then management did not consider it favorably and gave a letter, dated 02-08-2016 to petitioner informing his date of retirement as 31-08-2016.

(viii) Petitioner thereafter submitted a Notarised Affidavit, dated 12-06-2016 along with Transfer Certificate where his date of birth was declared as 10-01-1964. However, the Notarised Affidavit as well as Transfer Certificate produced by him contained various anomalies. The affidavit mentioned Petitioner's name as S. Murugan, whereas, his name in service record of the erstwhile Management of Shasun Pharmaceuticals Limited, was G. Murugan, his father name found in Transfer Certificate attached by petitioner contained T. Shenbagalingam Nadar, Whereas, the service records of petitioner contained his father's name as S. Genbagalingam. Therefore, those documents are not only unreliable, but, they were submitted at the fag end of his career which is not acceptable and admissible for correction of service records.

(ix) Moreover, if, date of birth as contained in the Transer Certificate produced by petitioner is assumed to be true; then petitioner would have been only 16 years of age at the time when he joined the services of the erstwhile Management of Shasun Pharmaceuticals Limited, on 01-11-1980. If, he had disclosed the said age to the erstwhile Management, he would have never got employment at the first place. Therefore, the petitioner having made respondent believe that his date of birth at the time of joining employment was 04-08-1958 and having secured an employment by such declaration, was richly benefited and therefore, he is stopped from giving any different date of birth for his retirement.

(x) Respondent stated that the petitioner heavily relies upon the ID Card that is furnished by the respondent after it has been taken over of M/s. Shasun Pharmaceuticals Limited, by way of acquisition, dated 19th November 2015. The new respondent management while retaining the employees, called upon them to furnish their personal details for preparing fresh ID Cards. Such ID Cards were issued solely for the purpose of identification of employee and ensuring their entry into the factory and for other administrative purpose. The ID Card serves no purpose than mere identification of the said person as an employee of respondent. The details furnished in ID Card are basic information based on information obtained from employees and they do not form part of service record under any circumstances. In any event the petitioner cannot claim that merely because an ID in the service records

the Management had agreed and accepted to correct the service records of such employee. Therefore, the petitioner cannot on the mere strength of the fresh ID Card issued by the respondent claim that his service records is corrected and he is entitled for extended period of employment.

(xi) Though the reliefs sought for by petitioner appears to be very simple and innocuous, it will have for reaching consequences for the respondent in its administration and will also burden it monetarily. Apart from that it may lead to multiplicity of such cases by its other workers who are the fag-end of their carrier. It will also block the prospects of promotion of another deserving candidate and scope for employment for some other. Therefore, such reliefs therefore, cannot be granted at this stage. The petitioner cannot be benefited for his own wrong and for his failure to rectify the alleged mistake at an earliest given opportunity.

(xii) The petitioner raised the present at the fag end of his carrier, *i.e.*, on 09-03-2015, *i.e.*, just before a year of his retirement. He has now retired from the service. The catena of judicial precedents have settled the proposition that even genuine and *bona fide* mistakes in the service records regarding date of birth cannot be corrected if, the employees sleeps over his rights and does not take corrective measures at the earliest possible opportunity. The fact that the petitioner has approach Labour Officer (Conciliation), at the fag-end of his career also dis-entitle his from seeking any reliefs. Hence, prays for dismissal of the petition.

4. Point for Consideration:

1. Whether the petitioner's husband is a workman as contemplated under section 2(s) of Industrial Disputes Act?

2. Whether the petitioner's husband is entitled to correct his date of birth as 10-01-1964 in the service records maintained by the respondent management?

3. Whether the petitioner's husband is entitled for the relief of re-instatement, back wages and other Attendant benefits flowing therefrom?

4. To what other reliefs?

5. On point:

Thiru Murugan (deceased) himself examined as PW.1 and Ex.P1 to Ex.P8 and Ex.R1 to R4 were marked. Tmt. Suseela (Legal heirs of deceased Murugan) examined as PW.2. On respondent side Thiru Selvakumar, DGM - HR and authorised signatory of the respondent management, examined as RW.1 and Ex.R5 to Ex.R9 were marked.

6. *On points 1 to 4:*

The brief facts of the case of the petitioner leading to the dispute is that the husband of the petitioner joined in the respondent company on 01-11-1980 and thereafter was working for nearly 36 years to the utmost satisfaction of the management and further the respondent company is one of the leading medicine manufacturing company running profitably. It is the further case of the petitioner that the petitioner's husband while joining in the respondent company had furnished an incorrect date of birth and later when the petitioner's husband had noticed the same he had submitted a requisition letter along with the Transfer Certificate and thereafter, the management had issued a fresh Identity Card with corrected date of birth, but, subsequently on 04-08-2016 the respondent management had informed that petitioner's husband that he has reached the age of superannuation and thereby did not permit the petitioner's husband to continue the work for remaining service period of 6 years and 8 months and thereby, the act of respondent company is illegal one and prayed for reinstatement, back wages and attendant benefits for the remaining service periods as claimed by the petitioner's husband.

7. Refuting the contentions of the petitioner, the respondent firstly contends that the petitioner's husband was working as a Manager after giving periodical promotions and therefore, the petitioner's husband does not fall within the ambit of section 2 (s) of Industrial Disputes Act (In brevity referred as Industrial Disputes Act) and therefore, the petitioner has no *locus standi* to raise this industrial dispute. The further contention of the respondent is that the petitioner's husband while joining in the erstwhile Shasun Pharmaceuticals Limited, at Chennai has declared his date of birth as 04-08-1958 in PF and E.S.I Nomination Forms and thereby, as per the service records the date of birth of petitioner's husband was 04-08-1958 and hence, the date of retirement was on 31-08-2016, but, the petitioner's husband at the fag end of his career on 09-03-2015 has submitted a requisition to correct his date of birth and the erstwhile management has refused to consider the request of the petitioner's husband and while so as per acquisition, dated 19-11-2015 the erstwhile company M/s. Shasun Pharmaceuticals Limited, was taken over by the respondent company and thereafter, personal details were called for from the employees for the purpose of issuing new Identity Cards and later new Identity Cards were issued based on the particulars given by the employees and further the same was issued only for the purpose of identification of employees during their entry into the factory and hence, based on the information available in the Identity Card the employees have no right to seek for correction of the details entered in the service records.

8. The respondent further contends that as the date of birth of petitioner's husband was 04-08-1958 the respondent company had issued a letter, dated 02-08-2016 to the petitioner stating that the petitioner will be reaching superannuation on 31-08-2016 on completion of 58 years of service as per his service records and the same was received by the petitioner's husband without any demur and when such being so, the petitioner's husband has submitted a Notarised Affidavit, dated 12-08-2016 along with Transfer Certificate to correct his date of birth as 10-01-1964, but, as there were various anomalies in the documents furnished by the petitioner's husband and moreover as the petitioner's husband had approached the respondent company at the fag end of his career the management has rejected the request of the petitioner's husband and made the petitioner's husband to retire on 31-08-2016. The learned Counsel for respondent vehemently contended that there are catena of judicial precedents which has settled proposition of law that even a *bona fide* mistake in the service record regarding date of birth cannot be corrected at the fag end of the career and therefore, the petitioner is not entitled for any relief as claimed in the claim petition.

9. In this case, it has to be first determined whether the petitioner's husband is a workman as contemplated under section 2(s) of Industrial Disputes Act. For better appreciation section 2(s) of Industrial Disputes Act is extracted hereunder.

Section 2 (s) of the Industrial Disputes Act "workman" means, any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute but, does not include any such person - (iii) Who is employed mainly in a managerial or administrative capacity.

10. Thus as per section 2(s) (iii) of Industrial Disputes Act, any person who is employed mainly in a managerial or administrative capacity is not a "workman". Further, if, a person performs managerial functions by reason of a power vested in him or by the nature of duties attached to his Office then he goes out of the category of "Workmen" on proof of circumstances excluding him from the category.

11. In this case, the learned Counsel for respondent has placed reliance upon Ex.P6 the payslip for the month of August 2016 wherein, the grade of the petitioner's husband is mentioned as Manager and Ex.R1 letter, dated 29-02-2012 issued by the erstwhile M/s. Shasun Pharmaceuticals Limited, which states that the petitioner's husband was promoted as Manager and Exs.R5 to R7 wherein, it is stated that the grade of the petitioner's husband is a production manager and thereby contended that the petitioner's husband was employed in the managerial capacity and thereby, the petitioner's husband does not come within the definition of workman as enumerated under section 2(s) of Industrial Dispute Act.]

12. This Court on perusal of Ex.P6, Ex.R1 and Exs.R5 to R7 finds that the grade of the petitioner's husband is mentioned as 'Manager more particularly Production Manager. Further, more when the petitioner's husband was examined as PW.1 it is admitted by the PW.1 himself that as per Ex.R1 letter, dated 29-02-2012, the petitioner was promoted as Manager and further categorically admitted that he was paid salary on the basis that he was working in the grade of Manager and further seven employees were working under his control and the said employees can avail leave only after the approval by the petitioner's husband. Hence, this Court from the above exhibits and from the categorical admission by the petitioner's husband during his cross examination holds that the petitioner's husband was working as a manager in the respondent company.

13. Furthermore, on perusal of Ex.P6 payslip for the month of August 2016 it is found that the petitioner's husband had received monthly salary of ₹ 70,757.00 more particularly in the grade as Manager. Hence, on considering the above, this Court finds that the petitioner's husband is categorically excluded from the definition of 'workman' under section 2(s) of Industrial Disputes Act and further on taking into consideration that the petitioner's husband had been primarily performing managerial functions as a production Manager it could be held without any doubt that the petitioner's husband falls outside the ambit of Industrial Disputes Act and thereby is not a workman as contemplated under section 2(s) of Industrial Disputes Act and not amenable to the jurisdiction of the Labour Court.

14. However, even on going into the merits of the case, it is found that it is the case of the petitioner and respondent that the representation to correct the date of birth has been submitted by the petitioner's husband for the first time as per Ex.P2 on 09-03-2015 when it is the admitted case of the petitioner and respondent that

the husband of the petitioner had joined in the service on 01-11-1980. Thus, it is found that the petitioner's husband after completion of 34 years of service is found to have approached the respondent company to correct his date of birth and more particularly when as per the service records maintained by the respondent the petitioner was about to retire on 31-08-2016. Furthermore, it is found that the petitioner's husband in the claim statement filed by him has stated that at the time of joining into service he had furnished the details regarding his date of birth, but, however, it was noticed after 34 years that the date of birth furnished by him was incorrect and therefore, approached the respondent company to correct the same. Similarly, the petitioner's husband during his cross examination has admitted that he was subscribing to Employees State Insurance Corporation and was paying subscription towards ESI and also admitted the details as contained in Exs.R3 and R4 details pertaining to ESI. On perusal of Exs.R3 and R4 it is found that the date of birth of the petitioner's husband is mentioned as 04-08-1958.

15. Moreover, the petitioner's husband when examined as PW.1 during his cross examination has admitted that till 2016 he had not taken any steps to correct the date of birth as alleged by him in the claim statement. Thus, from the material records and from the evidence of the PW.1 it is found that the petitioner's husband having successfully continued his service in the respondent company for more than 34 years and further having permitted the respondent company all along to maintain the service records of petitioner's husband with date of birth as 04-08-1958 and also having maintained his subscription towards ESI with date of birth as 04-08-1958 is found to have approached the respondent company at the fag end of his career to correct the date of birth.

16. At this juncture the learned Counsel for respondent has relied upon the following citations:

(i) 2021 STPL 10030 SC

(A) Karnataka State Servants (Determination of Age) Act, 1974, section 4, 5(2), 6 - Service Law - Change in date of birth - Delay and laches - Respondent No. 1 employee made the application for the first time *vide* notice, dated 23-06-2007, *i.e.*, after the lapse of 24 years since he joined the service and nearly after the lapse of 16 years from the date of adoption of the Act, 1974 by the appellant - corporation - Held that the application of the respondent for change of date of birth was liable to be rejected on the ground of delay and laches also and therefore, as such respondent

employee was not entitled to the decree of declaration and therefore, the impugned judgment and order passed by the High Court is unsustainable and not tenable at law.

Considering the aforesaid decisions of this Court, the law on change of date of birth can be summarized as under:

(i) application for change of date of birth can only be as per the relevant provisions/regulations applicable;

(ii) even if, there is cogent evidence, the same cannot be claimed as a matter of right;

(iii) application can be rejected on the ground of delay and laches also more particularly when it is made at the fag end of service and/or when the employee is about to retire on attaining the age of superannuation.

(ii) CDJ 2005 SC 423

U.P. Recruitment Service (Determination of the Date of Birth) Rules, 1974 - Rule 2 - Correction of Date of Birth - As per the existing rule, the date of birth or the age recorded in his service book at the time of entry into the Government service shall be deemed to be the correct date of birth or age, as the case may be, for all purposes and no application or representation shall be entertained for correction of such date or age in any circumstances whatsoever - The respondent has given his date of birth as 30-07-1941 at the time of entry into service which has also been recorded in the service records of the respondent. The above amended rule which come into force with effect from 28-05-1974 stipulates that no application or representation, shall be entertained for correction of such date or age in any circumstances whatsoever and that the date of birth or age recorded in the service book at the time of his entry into Government service shall be deemed to be his correct date of birth or age as the case may be for all purposes - The correct date of birth of the respondent is only 30-07-1941 and the claim now made by the respondent to correct his date of birth from 30-07-1941 to 16-10-1945 cannot at all be entertained or encouraged.

(iii) CDJ 2020 SC 125

Be that as it may, in our opinion, the delay of over two decades in applying for the correction of date of birth is *ex facie* fatal to the case of the respondent, notwithstanding the fact that there

was no specific rule or order, framed or made, prescribing the period within which such application could be filed. It is trite that even in such a situation such an application should be filed which can be held to be reasonable. The application filed by the respondent 25 years his induction into service, by no standards, can be held to be reasonable, more so when not a feeble attempt was made to explain the said delay.

17. The learned Counsel for petitioner to substantiate his contentions has stressed upon the following citations:

(i) 1979 AIR 49

It will therefore be a gross abuse of legal power to punish a person or destroy her service career in a manner not warranted by law by putting a rule which makes a useful provision for the premature retirement of Government servants only in the "public interest" to a purpose wholly unwarranted by it and to arrive at quite a contradictory result.

(ii) 1987 AIR 948

The appellant had not earned any adverse remarks during the last five years of service; on the other hand, he had earned 'good' and 'very good' entries during those years. In this view, the Government's decision to retire the appellant prematurely in exercise of the power under rule 3 is not sustainable in law.

(iii) 2023 Live Law (SC) 165

Service Law - Supreme Court sets aside order of CBDT passed to compulsorily retire a Gazetted Officer, any exercise of power that exceeds the parameters prescribed by law or is motivated on account of extraneous or irrelevant factors or is driven by malicious intent or is on the face of it, so, patently arbitrary that it cannot withstand judicial scrutiny, must be struck down - In such a case, this Court is inclined to pierce the smoke screen and on doing so, we are of the firm view that the order of compulsory retirement in the given facts and circumstances of the case cannot be sustained. The said order is punitive in nature and was passed to short-circuit the disciplinary proceedings pending against the appellant and ensure his immediate removal. The impugned order passed by the respondents does not pass muster as it fails to satisfy the underlying test of serving the interest of the public.

18. This Court on considering the material records and the evidence of PW.1 finds that the petitioner's husband has approached the respondent company after completion of 34 years of service and more particularly when the petitioner's husband had remaining paltry service period of one year and five months and the same is nothing but, the fag end of his career. In the citations relied by the learned Counsel for respondent it is categorically held by the Hon'ble Apex Courts that an application for correction of the date of birth cannot be entertained at the fag end of the service. This Court finds that the citations relied by the learned Counsel for petitioner is not applicable to the present case in hand. On the other hand, in the light of above citations relied by the learned Counsel for respondent this Court holds that as the petitioner's husband has approached the respondent company at the fag end of his career to correct the date of birth, the petitioner's husband is not entitled to seek for correction of date of birth as alleged by him.

19. Even otherwise, as per Ex.P5 Standing Order of respondent company in clause 4.5 (iv) it is stated that the date of birth once entered in the service card shall be sole evidence of the workman including fixation of date of retirement from the service of the company. The date of birth of the workman already entered is binding and final and shall not be allowed to be altered under any circumstances whatsoever. Therefore, even as per the Standing Orders of respondent company, the petitioner's husband is not entitled to seek correction or alteration of his date of birth in the service records.

20. The other contention of the petitioner that the respondent company has issued Ex.P1 Identity Card with date of birth as 04-08-1964 and therefore, the respondent company has admitted the year of birth of the petitioner's husband is 1964 and therefore, entitled to correct the date of birth as 10-01-1964 is found to be unsustainable one because, it is the specific contention of the respondent that after the present respondent company has taken over the erstwhile company M/s. Shasun Pharmaceuticals Limited, as per acquisition, dated 19-11-2015, the present company for the purpose of issuance of Identity Card had called for the particulars from the employees and based on the information provided by the employees a new Identity Cards were issued to its employees and thereby, the new Identity Card was issued to the petitioner's husband with date of birth as 04-08-1964, but, however even as per the evidence of PW.1 the date and month as mentioned in Ex.P1 Identity Card does not tally with the date and month as claimed by the petitioner's husband because as per PW.1 the date of birth claimed by the petitioner's husband is 10-01-1964 and whereas, in the Ex.P1 the date of birth is mentioned as 04-08-1964.

21. Furthermore, this Court finds that the credentials entered in the service records has more validity for any employees concerned and when such being so, the entries made in the Identity Card cannot prevail over the credentials entered in the service records because as contended by the respondent the Identity Card at the most can be used issued for the purpose entry into the company. Thus, viewed in any angle this Court holds that the petitioner is not entitled for any relief as claimed in the claim petition. In view of above discussions this Court holds that the industrial dispute raised by the petitioner as against the respondent management over non-employment of petitioner's husband is not justified and as such this Court holds that the petitioner is not entitled for any relief as claimed in the claim petition. Thus, the points are answered accordingly.

In the result, this petition is dismissed by holding that the industrial dispute raised by the petitioner as against the respondent management, over non-employment of petitioner's husband is not justified and hereby the petitioner is not entitled for any relief as claimed in the claim petition. There is no order as to costs.

Dictated to the Stenographer, directly typed by him, corrected and pronounced by me in the open Court on this the 31st day of August, 2023.

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

List of petitioner's witnesses:

- | | | | |
|------|---|------------|--|
| PW.1 | — | 24-04-2018 | Murugan |
| PW.2 | — | 03-08-2022 | Suseela (Legal heirs of the deceased Murugan). |

List of petitioner's exhibits :

- | | | | |
|-------|---|------------|---|
| Ex.P1 | — | — | Photocopy of the Identity Card issued by the Respondent Management to the Petitioner Murugan. |
| Ex.P2 | — | 09-03-2015 | Photocopy of the Petition given by the Petitioner to the Respondent Management for correction of his Date of Birth. |
| Ex.P3 | — | — | Photocopy of the Transfer Certificate of the Petitioner Murugan. |

- Ex.P4 — 10-07-2015 Photocopy of the Order in C.M.P No. 104/2015 of the Principal District Munsif Court, Puducherry.
- Ex.P5 — — Photocopy of the Standing Order of the Respondent Management.
- Ex.P6 — — Photocopy of the Pay Slip of the Petitioner.
- Ex.P7 — 12-01-2017 Photocopy of the counter filed by the Respondent Management to the Labour Officer (Conciliation).
- Ex.P8 — 21-02-2017 Photocopy of the Conciliation Failure Report of the Labour Officer (Conciliation), Puducherry.

List of Respondent's witness:

- RW.1 — 28-10-2022 Selvakumar, DGM-HR and Authorised Signatory of the Respondent Management.

List of Respondent's Exhibits:

- Ex.R1 — 29-02-2012 Photocopy of the Promotion Order of the deceased Murugan issued by the Respondent Management.
- Ex.R2 — 16-07-2012 Photocopy of the Salary Slip of the deceased Murugan.
- Ex.R3 Photocopy of the Employees details issued by the ESI Corporation to the deceased Murugan.
- Ex.R4 Photocopy of the Temporary Identity Certificate issued by the ESI Corporation to the deceased Murugan.
- Ex.R5 22-06-1995 Photocopy of the letter of job description issued by the Petitioner's erstwhile company in favour of Petitioner's husband.

- Ex.R6 01-09-2001 Photocopy of the letter of job description issued by the Petitioner's erstwhile company in favour of Petitioner's husband.
- Ex.R7 — 02-08-2016 Photocopy of the letter given by the Respondent Management to the Murugan informing his date of retirement.
- Ex.R8 — — Photocopy of the Claim Petition filed by the wife of the deceased Murugan before the Payment of Gratuity in P.G. No. 61/2021.
- Ex.R9 — — Photocopy of the Counter Statement filed by the Respondent Management in P.G. No. 61/2021.

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

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 109/AIL/Lab./S/2023,
Puducherry, dated 5th December 2023)

NOTIFICATION

Whereas, an Award in I.D (T) No. 41/2022, dated 30-08-2023 of the Industrial Tribunal, Puducherry, in respect of dispute between the Puducherry State NREGA Staffs Association against the Management of M/s. District Rural Development Agency, Anna Nagar, Puducherry, over absorption of 59 Grama Rozgar Sevak (GRS) in the entry level post of Sevak 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. G.T. AMBIKA, M.L., PGDCLCF.,
Presiding Officer.

Wednesday, the 30th day of August, 2023.

**I.D. (T). No. 41/2022
CNR. No. PYPY06-000083-2022**

The Secretary,
Puducherry State NREGA Staffs Association,
No. 4, Gengaiamman Koil Street,
Abishegapakkam,
Puducherry. . . Petitioner

Versus

The Additional State Project Director,
District Rural Development Agency (DRDA),
2nd Floor, Housing Board,
Anna Nagar, Nellithope, Puducherry. . . Respondent

This Industrial Dispute coming on 30-08-2023 before me for final hearing, in the presence of Thiru A. Pazhanisamy, Counsel for petitioner and Thiru S. Sridhar, Government Pleader for the respondent, after perusing the case records, this Court delivered the following:

ORDER

This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 121/Lab./AIL/T/2022, dated 29-07-2022 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 Puducherry State NREGA Staffs Association against the Management of M/s. District Rural Development Agency (DRDA), Anna Nagar, Puducherry, over absorption of 59 Grama Rozgar Sevak (GRS) in the entry level post of Sevak (Annexure) is justified or not?

(b) If justified, give appropriate direction?

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

2. Today when the case came up for filing claim statement, no representation on petitioner side. Claim statement not filed inspite of several adjournments and posting as last chance. No further adjournments.

Hence, this reference is closed for non-prosecution.

Written and pronounced by me in the open Court on this the 30th day of August, 2023.

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

ANNEXURE

Sl. No.	Name	Father's/Husband's name	Date of birth	Occupation
(1)	(2)	(3)	(4)	(5)
1	Kanagaraj	Venugopal	21-09-1970	GRS, BDO (Ariyankuppam)
2	Babu	Vengadesan	03-05-1978	GRS, BDO (Ariyankuppam)
3	Velumany	Munusamy	10-12-1975	GRS, BDO (Ariyankuppam)
4	Valarmathy	Palanivel	29-07-1974	GRS, BDO (Ariyankuppam)
5	Thandapani	Kannaiyan	02-08-1976	GRS, BDO (Ariyankuppam)
6	Sankar	Santharam	10-05-1977	GRS, BDO (Ariyankuppam)
7	Sathiyapriya	Natarajan	21-10-1985	GRS, BDO (Ariyankuppam)
8	Chandiran	Anjapuli	28-04-1975	GRS, BDO (Ariyankuppam)
9	Rathibalan	Dachinamurthy	08-06-1974	GRS, BDO (Ariyankuppam)
10	Uthiravelu	Perumal	20-12-1985	GRS, BDO (Ariyankuppam)
11	Murugaiyan	Samikannu	19-05-1977	GRS, BDO (Ariyankuppam)
12	Suresh	Suridarraj	30-04-1987	GRS, BDO (Ariyankuppam)
13	Kannadasan	Ramalingam	23-01-1989	GRS, BDO (Ariyankuppam)
14	Angalammal	Ammavasai	15-05-1971	GRS, BDO (Ariyankuppam)
15	Nithya	Thandavarayan	02-11-1988	GRS, BDO (Ariyankuppam)

(1)	(2)	(3)	(4)	(5)
16	Anandan	Duraikannu	14-10-1982	GRS, BDO (Ariyankuppam)
17	Sivakala	Kallipattan	05-07-1978	GRS, BDO(Ariyankuppam)
18	Palanivel	Perumal	06-10-1986	GRS, BDO (Ariyankuppam)
19	Rajeshwari	Ayyanar	05-06-1989	GRS, BDO (Ariyankuppam)
20	Mutamizhvanan	Munusamy	19-10-1986	GRS, BDO (Ariyankuppam)
21	Santhakumar	Pachaiyappan	—	GRS, BDO (Ariyankuppam)
22	Saravanan	Veerappan	25-10-1979	GRS, BDO (Karaikal)
23	Sundaram	Muthaiyan	25-05-1977	GRS, BDO (Karaikal)
24	Chitra	Murugaraj	08-12-1980	GRS, BDO (Karaikal)
25	Jothi	Kalaiselvan	02-12-1978	GRS, BDO (Karaikal)
26	Yasotha	Kumar	06-08-1979	GRS, BDO (Karaikal)
27	Prabhavathi	Thiruvengadam	10-07-1978	GRS, BDO (Karaikal)
28	Poongothi	Thandapani	22-12-1973	GRS, BDO (Karaikal)
29	Munusamy	Mahalingam	17-11-1983	GRS, BDO (Villianur)
30	Sathiya	Loganathan	05-04-1986	GRS, BDO (Villianur)
31	Kumaresan	Sundaramurthy	29-07-1976	GRS, BDO (Villianur)
32	Jayamoorthi	Dharuman	08-06-1976	GRS, BDO (Villianur)
33	Prakash	Lakshmanan	05-09-1986	GRS, BDO (Villianur)
34	Rathakrishnan	Munusamy	16-04-1983	GRS, BDO (Villianur)
35	Tripurasundari	Vaithiyanatasamy	26-06-1978	GRS, BDO (Villianur)
36	Kalaiselvi	Parthasarathy	16-05-1975	GRS, BDO (Villianur)
37	Pradaban	Selvarasu	20-09-1979	GRS, BDO (Villianur)
38	Gajendiran	Thangavelu	11-06-1971	GRS, BDO (Villianur)
39	Balasubramani	Baskar	01-06-1987	GRS, BDO (Villianur)
40	Thirumal	Angamuthu	11-05-1987	GRS, BDO (Villianur)
41	Mahadevi	Jaishankar	19-12-1984	GRS, BDO (Villianur)
42	Jancyrani	Nagarajan	09-10-1990	GRS, BDO (Villianur)
43	Balamurugan	Krishnaraj	04-01-1978	GRS, BDO (Villianur)
44	Pushparaj	Arumugam	26-04-1975	GRS, BDO (Villianur)
45	Mahendiran	Subramani	12-02-1983	GRS, BDO (Villianur)
46	Sankardevi	Ravikumar	29-09-1975	GRS, BDO (Villianur)
47	Poungode	Velmurugan	17-09-1972	GRS, BDO (Villianur)
48	Vinothkumar	Masilan	18-02-1989	GRS, BDO (Villianur)
49	Varadharaj	Rajaram	30-05-1982	GRS, BDO (Villianur)
50	Saravanan	Gnanavel	12-01-1978	GRS, BDO (Villianur)
51	Kumar	Natarajan	15-05-1970	GRS, BDO (Villianur)
52	Prakash	Kuppusamy	18-06-1983	GRS, BDO (Villianur)
53	Ramesh	Ramasamy	03-11-1980	GRS, BDO (Villianur)
54	Devi	Gnanaprakash	21-12-1984	GRS, BDO (Villianur)
55	Balaji	Parthasarathy	28-06-1982	GRS, BDO (Villianur)
56	Sivapragassame	Govindaraju	04-02-1977	GRS, BDO (Villianur)
57	Karunamurthy	Pandurangan	05-09-1978	GRS, BDO (Villianur)
58	Thamizharasan	lyyanar	10-04-1983	GRS, BDO (Villianur)
59	Arumugam	—	—	GRS, BDO (Ariyankuppam)