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# புதுச்சேரி மாநில அரசிதழ்

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

அதிகாரம் பெற்ற வெளியீடு

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SOMMAIRES

CONTENTS

|                                  | பக்கம் |                                  | Page |                              | Page |
|----------------------------------|--------|----------------------------------|------|------------------------------|------|
| தொழில் நீதிமன்றத் தீர்ப்புகள் .. | 26     | Sentence arbitral du Travail ..  | 26   | Award of the Labour Court .. | 26   |
|                                  |        | de Tribunal.                     |      |                              |      |
| அரசு அறிவிக்கைகள் ..             | 30     | Notifications du Gouvernement .. | 30   | Government Notifications ..  | 30   |
| ஒப்ப அறிவிப்புகள் ..             | 38     | Avis d' appel d' offres ..       | 38   | Tender Notices ..            | 38   |
| சாற்றறிக்கைகள் ..                | 39     | Annonces ..                      | 39   | Announcements ..             | 39   |

GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT

(G.O. Rt. No. 110/AIL/Lab./S/2023,  
Puducherry, dated 5th November 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 32/2022, dated 03-05-2023 of the Labour Court, Puducherry, in respect of Dispute between the M/s. Gencor Pacific Auto Engineering Private, Limited, Puducherry and the petitioner Thiru V. Ravindar, over his non-employment with all attendant benefits has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the Notification issued in Labour Department's G.O. Ms. No. 20/9/Lab./L, dated 23-5-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

**P. RAGINI,**

Under Secretary to Government (Labour).

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

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

*Wednesday, the 03rd day of May, 2023.*

**I.D. (T). No. 32/2022**  
**CNR. No. PYPY06-000098-2022**

V. Ravindar,  
S/o. Vadamadurai,  
No. 9/807, Mariamman Koil Street,  
Pannakuppam,  
Kandamangalam,  
Villupuram District. . . Petitioner

*Versus*

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 03-05-2023 before me for final hearing in the presence of Thiruvallargal K. Velmurugan and P. Preethi, Counsels for the Petitioner, Thiruvallargal L. Sathish, S. Velmurugan, E. Karthik, S. Sudarsanan and E. Madhivanan, Counsels for the Respondent, and 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. 151/Lab./AIL/T/2022, dated 19-09-2022 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 V. Ravindar against the Management of M/s. Gencor Pacific Auto Engineering Private Limited, Thirubuvanai, Puducherry, over his non-employment 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. Today when the case came up for counter, memo filed by the Respondent Counsels stating that pending ID, parties entered into 18(1) settlement, and enclosed the same before this Court. Both parties present with their Counsels. Heard. Perused. Satisfied. In view of the 18(1) settlement entered between the parties, dated 02-05-2023, and in view of the memo, this ID is closed as settled under section 18(1) settlement. No costs.

Written and pronounced by me in open Court on this the 3rd day of May, 2023.

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

GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT

(G.O. Rt. No. 111/AIL/Lab./T/2023,  
Puducherry, dated 5th December 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 36/2022, dated 12-05-2023 of the Industrial Tribunal, Puducherry, in respect of Dispute between M/s. ATC Chemicals India Private Limited, Puducherry and All India United Trade Union Centre (AIUTUC), over payment of Bonus @ ₹ 15,000 for the year 2021 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. (T). No. 36/2022**  
**CNR. No. PYPY06-000076-2022**

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 09-05-2023 before me for final hearing in the presence of Thiru S. Sivakumar, Secretary of the Petitioner Union, Thiru G. Krishnan, Counsel for the Respondent, 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. 120/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, All India United Trade Union Centre against the Management of M/s. ATC Chemicals India Private Limited, Puducherry, over payment of one month

salary @ ₹ 15,000 as Bonus to 11 workers *viz.*, (1) Prasanta Behra, (2) Nabin Parida, (3) Balaram Das, (4) Bhimasen Das, (5) Sanjaykumar Das, (6) Kamalesh Sharma, (7) Sonukumar, (8) Durgakumar, (9) Rajesh, (10) Rabindra Das and (11) Pramodkumar Sha and partial bonus to 9 workers *viz.*, (1) Akshay Pradhan, (2) Anil Sharma, (3) Gagan Parida, (4) Madan Kumar, (5) Narayan Nayak, (6) Rajkishore Rana, (7) Harekrishna Nayak, (8) Balaraman Behera and (9) Haladharnaik for the year 2021 as demanded by the Union 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**

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 issued Appointment Order, Regularization Order, Salary Pay Slip and Identity Card to half of the workmen working under the Respondent Management. But, the Respondent Management refused to give same to the direct Workers who were engaged in the same work under employer for the past 10 years. The Respondent Management never paid overtime salary to the workers who were worked 12 hours per day. The Respondent Management failed to get the permission from the Ground Water Authority for using Ground Water for his Factory till date. The Respondent Management has disbursed one full month salary of ₹ 12,000 to its workmen as bonus for the year 2020. So, the Petitioner Union requested the Respondent Management to give bonus for the year 2021 by way of written representation through post with a request to give one month salary of ₹ 15,000 as bonus for the Diwali festival. The Respondent Management refused to receive the said representation and the same was returned. In this connection, Form-L was submitted by the Petitioner Union on 25-10-2021 before Labour Officer (Conciliation). In the reply given by the Respondent Management to the Labour Officer (Conciliation), it is mentioned that for 9 workers have been given bonus for the year 2021. Whereas, the Petitioner Union sought for bonus to 20 workmen. The act of the Respondent Management disbursing bonus only to 9 workers leaving others is against the Provisions of Bonus Act, 1965. Further it is against the Settlement, dated 07-11-2020 entered between the Respondent Management and Petitioner Union. Hence, the petition seeking for Bonus for the year 2021 for the 11 employees as mentioned below.

| Sl. No. | Name of the Employee | Bonus  | Received | Balance |
|---------|----------------------|--------|----------|---------|
| (1)     | (2)                  | (3)    | (4)      | (5)     |
| 1       | Gagan Parida         | 15,000 | 7,664    | 7,336   |
| 2       | Harikrishna Nayak    | 15,000 | 8,458    | 6,542   |
| 3       | Narayan Nayak        | 15,000 | 8,528    | 6,472   |
| 4       | Akshay Pradan        | 15,000 | 8,510    | 6,490   |
| 5       | Rajkishore Rana      | 15,000 | 7,643    | 7,357   |
| 6       | Anil Sharma          | 15,000 | 8,442    | 6,558   |
| 7       | Balaram Behera       | 15,000 | 8,493    | 6,507   |
| 8       | Madankumar Sha       | 15,000 | 6,884    | 8,116   |
| 9       | Haladhar Nayak       | 15,000 | 7,099    | 7,901   |
| 10      | Balaram Das          | 15,000 | —        | 15,000  |
| 11      | Prasant Behera       | 15,000 | —        | 15,000  |
| 12      | Bhimasen Das         | 15,000 | —        | 15,000  |
| 13      | Nabin Parida         | 15,000 | —        | 15,000  |
| 14      | Sanjaykumar Das      | 15,000 | —        | 15,000  |
| 15      | Durga Kumar          | 15,000 | —        | 15,000  |
| 16      | Kamalesh Sharma      | 15,000 | —        | 15,000  |
| 17      | Sonukumar            | 15,000 | —        | 15,000  |
| 18      | Rajesh               | 15,000 | —        | 15,000  |
| 19      | Rabindra Dos         | 15,000 | —        | 15,000  |
| 20      | Pramodkumar Sha      | 15,000 | —        | 15,000  |

The act of Respondent Management refusing to give bonus to the petition mentioned 11 workmen, which is totally biased and amounts to unfair labour practice. Hence, the petition for full bonus for 11 workmen and balance bonus for the 9 workmen who were not given bonus in full.

3. Notice served to both the Petitioner and Respondent. Petitioner appeared. Claim Petition with documents filed by the Petitioner. Though the Respondent has engaged his Advocate, but not chosen to file its counter even after giving sufficient time by this Court. Neither Respondent Management appeared nor represented by his Counsel. Hence, the Respondent Management was set *ex parte* on 07-02-2023.

#### 4. Point for determination

Whether the Petitioner Workmen are entitled for the prayer against the Respondent Management of granting one month salary as bonus to the 11 workmen and balance bonus to the 9 workmen?

#### 5. On Point

Petitioner/Secretary of the Petitioner Union examined himself as PW1. Ex.P1 to P15 were marked. Since Respondent set *ex parte*, heard the Petitioner.

#### 6 On the point

The Labour Department, Government of Puducherry, referred this industrial dispute, for the dispute raised by the Petitioner Union and the Respondent Management over payment of one month salary of ₹ 15,000 as Bonus to 11 workmen and balance bonus to the 9 workmen. Ex.P1 and Ex.P2 are the copy of the returned cover and letter, dated 18-10-2021 sent by the Petitioner Union requesting to disburse the bonus for the year 2021. Ex.P3 and Ex.P4 are the copy of the Form-L and letter submitted by the Petitioner Union before Labour Officer (Conciliation) on 25-10-2021, and 26-11-2021, respectively. In which the Petitioner Union requested the Labour Officer (Conciliation) to intervene and settle the matter and thereby directing the Respondent Management to give bonus for the year 2021. Ex.P5 is the copy of the statement showing to substantiate that bonus was given for the year 2020-2021. Ex.P6, Ex.P7, Ex.P8, Ex.P9 and Ex.P10 are the copies of the letters sent by the Petitioner to the Labour Officer (Conciliation), dated 13-12-2021, 08-02-2022, 14-03-2022, 26-04-2022 and 27-04-2022, respectively. On Petitioner side Ex.P11 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. From Ex.P12 the Failure report, it is found that Respondent Management has given a reply before Labour Officer (Conciliation) stated that “they had already paid bonus to 9 contract workers and the remaining 11 workers given by the Union are not in their Contractor roll”. Ex.P13 is the Notification of the Labour Department on failure of conciliation. Ex.P15 is the letter addressed to Labour Officer (Conciliation) objecting the act of Labour Officer (Conciliation) by receiving the reply of the Respondent Management without its covering letter.

7. 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. Though, before Labour Officer (Conciliation), Respondent Management has submitted that “they had already paid bonus to 9 contract workers

and the remaining 11 workers given by the Union are not in their Contractor roll”, but, not come forward to explain their case before this Court. Being the workmen working under the Respondent Management, it is the bounden duty of the Respondent Management to give one month salary as bonus to the 11 workmen and balance bonus to the 9 workmen.

8. 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. The Respondent Management is hereby directed to grant one month salary as bonus to the 11 workmen and balance bonus to the 9 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 12th day of May, 2023.

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

*List of petitioner's witness:*

PW.1 — 20-04-2023 Thiru Sivakumar, State Secretary, AIUTUC, Puducherry.

*List of petitioner's exhibits :*

Ex.P1 — 20-10-2021 Photocopy of the Refusal RPAD return cover.

Ex.P2 — 18-10-2021 Photocopy of the letter given by the Petitioner Union to the Respondent Management.

Ex.P3 — 25-10-2021 Photocopy of the Form-L to the Labour Officer (Conciliation), Puducherry.

Ex.P4 — 26-11-2021 Photocopy of the Letter given by the Petitioner Union to the Labour Officer (Conciliation) Puducherry.

Ex.P5 — Photocopy of the list of 9 Employees, details regarding Bonus for the year of 2020-2021.

Ex.P6 — 13-12-2021 Photocopy of the Letter given by the Petitioner Union to the Labour Officer (Conciliation), Puducherry.

Ex.P7 — 08-02-2022 Photocopy of the Letter given by the Petitioner Union to the Labour Officer (Conciliation), Puducherry.

Ex.P8 — 14-03-2022 Photocopy of the Letter given by the Petitioner Union to the Labour Officer (Conciliation), Puducherry.

Ex.P9 — 26-04-2022 Photocopy of the Letter given by the Petitioner Union to the Labour Officer (Conciliation), Puducherry.

Ex.P10 — 27-04-2022 Photocopy of the Letter given by the Petitioner Union to the Labour Officer (Conciliation), Puducherry.

Ex.P11 — 07-11-2020 Photocopy of the Minutes of the meeting held on 07-11-2020.

Ex.P12 — 08-06-2022 Photocopy of the Failure Report.

Ex.P13 — 29-07-2022 Photocopy of the Government Order issued against the Failure Report.

Ex.P14 — 17-02-2021 Photocopy of the Show Cause notice issued by Member-Secretary, Pondicherry Ground Water Authority to the Respondent Management.

Ex.P15 — 02-12-2021 Photocopy of the Letter given by the Petitioner Union to the Labour Officer (Conciliation), Puducherry.

*List of Respondent's witnesses:* Nil

*List of Respondent's Exhibits:* Nil

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