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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 112/AIL/Lab./T/2023,
Puducherry, dated 6th December 2023)

NOTIFICATION

Whereas, an Award in I.D (L) No. 33/2023, dated 02-05-2023 of the Labour Court, Puducherry, in respect of Dispute between the M/s. AJ Higher Secondary School, Puducherry and Thiru Selvakumaran, T.N.Palayam, Puducherry, over reinstate the petitioner in his original employment with full back wages, continuity in service and all other attendance 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 23-05-1991, 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.

Tuesday, the 2nd day of May, 2023

I.D. (L) No. 33/2022
CNR. No. PYPY06-000104-2022

Selvakumaran,
No. 24, Padayatchi Street,
T.N. Palayam, Puducherry. . . Petitioner

Versus

The Principal,
AJ Higher Secondary School,
Puducherry. . . Respondent

This Industrial dispute coming on 24-04-2023 before me for final hearing in the presence of Thiruvalargal K. Velmurugan and P. Preethi, Counsels for the Petitioner, Thiruvalargal N. Kannan, I. Ilankumar and M. Radjesvary, Counsels for the Respondent, 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 Petition filed under section 2(A) of the Industrial Disputes Act, 1947 to direct the Respondent Management to reinstate the Petitioner in his original employment with full back wages, continuity in service and all other attendance benefits.

2. Brief facts of the case of the Petitioner

The Respondent Management was initially started an Educational Institution by name New Generation School situated at Kakayanthope, Ariyankuppam, Puducherry and thereby imparted high quality of education to its students. Due to overwhelming response from the public, the Respondent Management upgraded itself and started a new School during the year 2012 by name AJ Higher Secondary School at T.N. Palayam, Puducherry, which is also well known for its high quality and standard education imparting for the students in Puducherry. The Respondent Management is getting enormous profits every year through the Tuition fees, Term fees, Transport fees and other miscellaneous fees from the students. The Respondent Management has engaged permanent teaching and non-teaching staffs in this regard.

(ii) Initially Petitioner was appointed as Bus-Attender during the month of June, 2012 by the Respondent Management at their old School *i.e.*, New Generation School functioning at Ariyankuppam, Puducherry. After starting the present School, the Respondent Management utilized the services of the Petitioner at the new School. Thus, from June 2012 the Petitioner was working under the absolute control and supervision of Respondent Management and the Respondent is the paymaster of the Petitioner who used to pay the monthly salary through Petitioner's Bank Account. Hence, the Employer and Employee relationship exists between them. Since, from the inception of his services, he was discharging his duties in a sincere and honest manner without any sort of black mark whatsoever. Initially the Petitioner received a sum of ₹ 6,000 per month as salary and the last drawn wage of the Petitioner during the year 2010 was at ₹ 8,678 per month.

(iii) The Respondent Management has failed to comply with the mandatory labour welfare legislations in their Institution. Though he was coming under the ESI and PF coverage, the Respondent Management for the reasons best known to it failed to implement the ESI and PF laws to the Petitioner and thereby, no ESI and PF accounts were

created by the Respondent Management. Several times the Petitioner has requested the Respondent Management to extend the ESI and PF benefits to him, but, the Respondent Management turned deaf ears.

(iv) The Respondent Management initially has given annual increment to the petitioner, but, later failed to give any annual increment for the last 7 years, despite several requests of the Petitioner. The Petitioner has thus, lead a miserable life with the meager income given by the Respondent Management to battle the heavy surge in the cost of living. During the Covid pandemic period he was assigned with the duty of driver in the Respondent School so as to pick up the teaching, non-teaching staffs, students, *etc.*, The Petitioner without any hesitation has abided by the directions given by the Respondent Management to act as driver.

(v) The shock and surprise on 01-11-2021 the Manager of the Respondent Management has orally instructed the Petitioner not to come for work hereafter without assigning any reasons. Though the Petitioner has requested the Manager to revoke the oral termination explaining his financial conditions, the said Manager refused to heed to the Petitioner's requests. The Respondent Management without considering Petitioner's family background, past unblemished services of the Petitioner, legitimate requests of the Petitioner, *etc.*, was very adamant in terminating the services of the petitioner without following the Principles of Natural Justice. Till date the Petitioner remains unemployed and his whole family is starving to their daily bread. His last drawn wages in the Respondent Management is ₹ 8,678 per month.

(vi) The Petitioner is a permanent regular workman who has rendered about 10 years of continuous unblemished service to the Respondent Management. This being so, the Respondent Management without issuing any show cause notice, not conducting any domestic enquiry, without giving any written suspension/dismissal order, arbitrarily on oral instruction terminated the services of the Petitioner Workman. The above act of the Respondent Management is illegal, unjust, invalid, improper and against the Principles of Natural Justice. The Petitioner was ever ready and willing to do his job, but, it is the Respondent Management who has refused to give any sort of work to the Petitioner Workman from 01-11-2021 onwards. There is no fault or misconduct committed by the Petitioner against the Respondent Management, and the Respondent Management with an ulterior motive terminated the service of the Petitioner Workman.

(vii) The cardinal principle under the labour jurisprudence that before inflicting punishment upon the delinquent employee, the Management is supposed to seek his explanation about the proposed punishment to the charge-sheeted employer and only thereafter any punishment could be inflicted. Whereas in the case on hand, the Respondent Management has not followed the above mandatory procedure but straightway terminated the services of the Petitioner Workman.

(viii) Aggrieved by the act of the Respondent Management, the Petitioner through letters, dated 06-04-2022 and 01-06-2022 has given representation to the Labour Officer (Conciliation), Puducherry, to intervene in this issue and thereby, advise the Respondent Management to intervene in this issue and thereby, advise the Respondent Management to reinstate the Petitioner Workman in his original employment and provide him all statutory benefits. The Respondent Management officials after receipt of the notice from the Labour Officer (Conciliation), Puducherry, appeared before the conciliation enquiry and gave evasive reply with false allegations *vide* letter, dated 01-08-2022 and 27-09-2022. Since, the Labour Office could not reach amicable settlement between the parties. Hence, the claim for the reinstatement.

3. Notice served to both the Petitioner and Respondent. Petitioner appeared and engaged an Advocate to represent him. Though the Respondent has engaged his Advocate, but not chosen to file its counter after sufficient time given by this Court. Neither Respondent Management appeared nor represented by its Counsel. Hence, the Respondent Management was set *ex parte* on 04-04-2023. Claim Petition filed by the Petitioner.

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* as counter not filed. Proof affidavit of Petitioner filed, he himself examined as PW1. Ex.P1 to P10 were marked.

6. *On the point*

The present ID in ID(L) 33/2022 filed by way of claim petition under section 2(A) of ID Act, 1947. According to the petitioner, he was appointed as Bus Attender in June 2012 by the Respondent Management and since, then he was working under

the control and supervision of the Respondent Management on monthly salary paid by the Management to Petitioner's Bank Account. Initially the Petitioner received ₹ 6,000 per month as salary and last drawn wage during the year 2021 was ₹ 8,678 per month. No ESI, EPF implemented by the Respondent Management and no accounts for the same were created by the Respondent Management to extend the benefits to its employees. Initially annual increment granted, but, later on failed to give increments. During Covid-19 Pandemic the Petitioner was assigned with the duty to drive the School bus. On 01-11-2021 the Petitioner was orally instructed not to come to work without assigning any reasons. The Petitioner remained unemployed till date. The Respondent Management without issuing any show cause notice, conducting domestic enquiry and any written Suspension Order orally refused to give employment.

7. To substantiate that the Petitioner was an employee of the Respondent Management, on Petitioner side Ex.P8 and Ex.P9 the photo copies of the Conduct Certificates issued by the Respondent to the Petitioner Workman. On perusal of those documents, I could find that the present Petitioner Workman namely, Selvakumaran was serving as Attender and Driver in the Respondent Management from June 2012 till the date of issuance of the Certificates Ex.P8 and P9 (05-02-2020 and 10-08-2021 respectively). Ex.P7, dated 30-11-2017 is the Certificate issued by the Ariyankuppam Police Station to the Petitioner. In which it is certified by SHO, of concerned Police Station, that he has not involved in criminal case as per the records. Further, it states that the Certificate has been issued for the job purpose of School Attender in the Respondent School. The above said Ex.P7 was issued by the Ariyankuppam Police Station on the request made by the Respondent Institution to provide Police verification certificate *vide* Ex.P6.

8. In addition to the above documents the Petitioner Workman has filed Ex.P10 his Pay Slip for the month of April 2021, issued by the Respondent School. It also shows that his monthly salary is ₹ 8,678. Apart from this on Petitioner side the representation given to the Labour Officer (Conciliation), dated 06-04-2022 and 01-06-2022 filed as Ex.P1 and P2 respectively requesting for reemployment in the Respondent School. Ex.P3 is the reply given by the Respondent School before the Labour Officer (Conciliation). On perusal of Ex.P3, though the Respondent has raised some allegations against the Petitioner Workman, has not chosen to appear before this Court to substantiate the same.

9. Notice was ordered by this Court to the Respondent School for its appearance. Respondent Management appeared, but, not chosen to file its counter. Several adjournments were given for filing counter the Respondent Management. Despite the conditional order, the Respondent Management did not come forward to file its counter. Hence, the Respondent Management was set *ex parte* on 04-04-2022.

10. The allegations made in the reply Ex.P3 given by the Respondent Management before the Conciliation proceedings were said to be occurred in 2020. Whereas, the Respondent Management refused employment for Petitioner Workman on 01-11-2021. Ex.P10 the Pay slip for the month of April 2021 produced by the Petitioner Workman to substantiate that he was in employment under the Respondent School till 2021. Therefore, from the available records Ex.P1 to Ex.P10 this Court finds that the Petitioner Workman has proved his case and the Respondent Management remained *ex parte* and has not filed its version of defence to shatter the claim and the evidence produced by the Petitioner. Therefore, from the above discussions and findings, I decide the point for determination in favour of the Petitioner Workman.

11. In the result, the Industrial Dispute raised by the Petitioner Workman is justified and the Respondent Management is hereby directed to reinstatement the Workman Mr. Selvakumaran with full back wages with continuity of service and all attendant benefits as prayed in the Claim Petition. With costs.

Dictated to the Stenographer, directly typed by him, corrected and pronounced by me in open Court on this the 2nd day of May, 2023.

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

List of petitioner's witness:

PW.1 — 18-04-2023 Thiru Selvakumaran

List of petitioner's exhibits :

Ex.P1 — 06-04-2022 Photocopy of the letter given by the Petitioner to the Labour Officer (Conciliation), Puducherry, with acknowledgment.

Ex.P2 — 01-06-2022 Photocopy of the letter given by the Petitioner to the Labour Officer (Conciliation), Puducherry, with acknowledgment.

- Ex.P3 — 01-08-2022 Photocopy of the reply given by the Respondent Management to the Labour Officer (Conciliation), Puducherry.
- Ex.P4 — 23-08-2022 Photocopy of the re-joinder of the Petitioner before the Labour Officer (Conciliation), Puducherry with acknowledgment.
- Ex.P5 — 27-09-2022 Photocopy of the additional reply given by the Respondent Management to the Labour Officer (Conciliation), Puducherry.
- Ex.P6 — Photocopy of the letter given by the Respondent to the Station House Officer, Ariyankuppam Police Station, Puducherry regarding the employment details of the Petitioner.
- Ex.P7 — 30-11-2017 Photocopy of the Certificate issued by the Station House Officer, Ariyankuppam Police Station, Puducherry to the Petitioner.
- Ex.P8 — 05-02-2020 Photocopy of the Certificate issued by the Respondent to the Petitioner.
- Ex.P9 — 10-08-2021 Photocopy of the Certificate issued by the Respondent to the Petitioner.
- Ex.P10 — April, 2021 Photocopy of the Pay Slip of the Petitioner issued by the Respondent Management.

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. 113/AIL/Lab./S/2023,
Puducherry, dated 5th December 2023)

NOTIFICATION

Whereas, an Award in I.D (T) No. 04/2023, dated 21-08-2023 of the Industrial Tribunal, Puducherry, in respect of Dispute between the M/s. REIL Electricals India Limited, Puducherry and REIL Electricals India Limited Welfare Union, over charter of demands regarding wages revision and other allied welfare measures 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.

Monday, the 21st day of August, 2023.

I.D. (T). No. 04/2023
CNR. No. PYPY06-000032-2023

The President/Secretary,
REIL Electricals India Limited,
Welfare Union,
Thondamanatham Post,
Villianur Commune,
Puducherry.

. . Petitioner

Versus

The Managing Director/CEO,
M/s. REIL Electricals India Limited,
Thondamanatham Post,
Villianur Commune,
Puducherry.

. . Respondent

This Industrial dispute coming on 21-08-2023 before me for final hearing, 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. 11/Lab./AIL/T/2023, dated 07-02-2023 of the Labour Department, Puducherry, to resolve the following dispute between the Petitioner and the Respondent, *viz.*,

(a) Whether the dispute raised by the REIL Electricals India Limited, Welfare Union, against the Management of M/s. REIL Electricals India Limited, Puducherry, over charter of demands with regard to wage revision and other allied welfare measures is justified or not? If justified, to give appropriate direction?

(b) To what other relief the workmen represented by the Union are entitled to?

(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 hearing, no representation on Petitioner side inspite of several adjournments. Petitioner has not filed Claim statement inspite of posting as last chance. Therefore, this Court finds that there is no purpose to keep this reference pending without any progress.

In the result, this reference is closed for non-prosecution.

Written and pronounced by me in open Court on this the 21st day of August, 2023.

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

GOVERNMENT OF PUDUCHERRY
HINDU RELIGIOUS INSTITUTIONS AND WAQF

(G.O. Ms. No. 44/CHRI/T.4/2023,
Puducherry, dated 05th December 2023)

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 T. Umabathy, s/o. Thandabany, Executive Engineer, Buildings and Roads (Central Division),

Public Works Department, Puducherry, is hereby appointed as Temple Administrative Officer of Arulmigu Sri Sengazhuneeramman Thirukoil, 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;