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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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பொருளடக்கம்

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GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT

(G.O. Rt. No. 53/AIL/Lab./S/2024,  
Puducherry, dated 23rd April 2024)

NOTIFICATION

Whereas, an Award in I.D. (L) No. 37/2022, dated 18-01-2024 of the Labour Court, Puducherry, in respect of the industrial dispute between the management of M/s. ATC Chemicals India Private Limited, Puducherry and All India United Trade Union Centre (AIUTUC), over non-employment of Tmt. M. Selvi with back wages and other 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 23-05-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

S. SANDIRAKUMARAN,  
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 18th day of January, 2024*

**I.D. (L) No. 37/2022  
CNR. No. PYPY06-000112-2022**

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,  
R.S. No. 14/4-15/10-B, Kaviarasan Road,  
Sedarapet, Puducherry. . . Respondent

This Industrial Dispute coming on this day before me for hearing in the presence of Petitioner/Union appearing as party in person and Mr. G. Krishnan,

Counsel appearing for respondent and upon hearing the learned Counsel for petitioner and on perusing the entire records of the case, having stood over for consideration till this date, 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. 158/Lab./AIL/T/2022, dated 20-10-2022 of the Labour Department, Puducherry, to resolve the following industrial dispute between the Petitioner and the Respondent, *viz.*

(i) Whether the dispute raised by the All India United Trade Union Centre against the management of M/s. ATC Chemicals India Private Limited, Puducherry, over non-employment of Tmt. M. Selvi with continuity of service along with back wages, medical claims and other attendant benefits is justified or not? If justified, what relief she is entitled to?

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

2. *The brief averments set out in the claim statement is as follows:*

That the petitioner is working in the respondent company from 01-01-2012 onwards as a permanent work woman and while so on 17-7-2020 the H.R. Manager of the respondent company instructed all the women employees to clean the chemical tank, and when the petitioner was cleaning the tank the petitioner has slipped and fallen down in the tank and due to which the petitioner sustained grievous injuries in the hands, legs and hip, and thereafter, the petitioner took treatment in a private hospital and at JIPMER hospital by spending more than ₹ 10,000 and later, when the petitioner reported to duty after expiry of medical leave on 18-08-2020, the respondent refused to provide work to the petitioner and the repeated request of the petitioner was declined and therefore, the petitioner had approached the Conciliation Officer, Labour Department through the petitioner Union but, the same also ended in failure and therefore, the present dispute has been raised by the petitioner.

3. In this case, notice to respondent was duly served and vakalath was filed but, however, later the respondent has remained *ex parte*.

4. On the side of petitioner P.W.1 was examined and Exs.P1 to P17 were marked.

5. *The point for determination is :*

1. Whether the dispute raised by petitioner over her non-employment is justifiable or not?

2. Whether the petitioner is entitled for the reliefs as claimed in the claim statement?

6. *On Points 1 and 2:*

The case of the petitioner is that she was working in the respondent company from 01-01-2012 onwards as permanent work woman and on 17-07-2020, the H.R. Manager of the respondent company has instructed the petitioner to clean the chemical tank and while the petitioner was cleaning the tank, the petitioner had slipped and fallen down and due to which the petitioner had sustained grievous injuries in her hands, legs and hip, and took treatment for the same by spending more than ₹ 10,000 and on 18-08-2020, when, the petitioner reported to duty after expiry of medical leave, the respondent management declined to provide her job and thereby, the petitioner approached the Conciliation Officer and thereafter, has raised this dispute.

7. The petitioner to substantiate her claim has examined P.W.1 and marked Exs.P1 to P17 but, on the other hand, the respondent has remained *ex parte* and thereby, the case of the petitioner remains unchallenged by the respondent. This Court on perusal of evidence of P.W.1 and the exhibits relied by the petitioner finds that the petitioner has proved her claim. Thus, this Court on considering the claim of the petitioner and above discussions holds that the industrial dispute raised by the petitioner is justifiable one.

8. In this case, the petitioner claims medical expenses but, however, the petitioner has not produced any receipt for the same. This Court on perusal of Ex.P11 finds that it is stated that the petitioner had swelling in right hand. It is the case of the petitioner that she took treatment by spending more than ₹ 10,000. Hence, this Court on considering the nature of injuries mentioned in Ex.P11 and in the absence of production of any medical receipts finds that it would be appropriate to grant ₹ 10,000 as medical expense to the petitioner.

In the result, this industrial dispute is allowed by directing the respondent to reinstate the petitioner with continuity of service and with back wages and other attendant benefits and further directed to pay ₹ 10,000 towards medical expense. There is no order as to costs.

Dictated to the Stenographer, transcribed by her corrected and pronounced by me in the open Court on this the 18th day of January, 2024.

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

*List of petitioner's witness :*

PW1 — 20-12-2023 Thiru S. Sivakumar

*List of petitioner's side exhibits :*

- Ex.P1 — 07-10-2020 Copy of the letter sent by Tmt. Selvi to the Management.
- Ex.P2 — 29-12-2020 Copy of the letter sent by Tmt. Selvi to the Management.
- Ex.P3 — 08-03-2021 Copy of the Form-F.
- Ex.P4 — 03-02-2022 Copy of the letter submitted by the Management before the Conciliation Officer.
- Ex.P5 — 21-02-2022 Copy of the letter submitted by the Petitioner before the Conciliation Officer.
- Ex.P6 — 26-05-2022 Copy of the letter submitted by the Management before the Conciliation Officer.
- Ex.P7 — 26-07-2022 Copy of the letter submitted by the Management before the Conciliation Officer.
- Ex.P8 — 20-09-2022 Copy of the failure report of the Conciliation Officer.
- Ex.P9 — 20-10-2022 Copy of the Notification.
- Ex.P10 — 11-11-2020 Copy of the information sought by the petitioner through RTI.
- Ex.P11 — 19-08-2020 Copy of the Accident Report – Form 17A.
- Ex.P12 — 12-10-2020 Copy of the RT Form-1.
- Ex.P13 — 19-10-2020 Copy of the RT Form-3.

*List of respondent's witnesses :* Nil

*List of respondent's side exhibits :* Nil

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