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புதுச்சேரி மாநில அரசிதழ்

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பொருளடக்கம்

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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 54/AIL/Lab./S/2024,
Puducherry, dated 23rd April 2024)

NOTIFICATION

Whereas, an Award in I.D. (L) No. 44/2017, dated 31-01-2024 of the Labour Court, Puducherry, in respect of the industrial dispute between the management of M/s. Sri Manakular Motors, Mudaliarpet, Puducherry and Manakular Motors Thozhilalar Sangam, Puducherry, over non-employment of 61 workers 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.

Wednesday, the 31st day of January, 2024

I.D. (L) No. 44/2017
CNR. No. PYPY06-000073-2017

The Secretary
Manakular Motors Thozhilalar Sangam,
Puducherry. . . Petitioner

Versus

The Managing Director,
M/s. Sri Manakular Motors,
Puducherry. . . Respondent

This Industrial dispute coming on 25-01-2024 before me for final hearing in the presence of Thiru D. Ilamparithi, Counsel for the Petitioner, 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. 125/Lab./AIL/T/2017, dated 09-08-2017 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 Manakular Motors Thozhilalar Sangam against the Management of M/s. Sri Manakular Motor, Mudaliarpet, Puducherry, over his non-employment of 61 workers namely, 1. R. Gopathi, 2. R. Santhosh, 3. G. Selvakumar, 4. A. Nataraj, 5. N. Kambadasan, 6. D. Patchaiyappan, 7. P. Prasad, 8. R. Muthukumaran, 9. S. Narasimman, 10. N. Ganapathy, 11. T. Sivaperumal, 12. C. Vengadesan, 13. R. Iyyappan, 14. R. Varadarajan, 15. R. Arokiadass, 16. M. Krisidiyan Mayee, 17. P. Saravanan, 18. K. Karthikeyan, 19. R. Arumugam, 20. V. Veeramuthu, 21. R. Ganesh, 22. S. Karthikeyan, 23. S. Manikandan, 24. G. Srinivsan, 25. N. Senthilkumar, 26. M. Sathish, 27. R. Umapathy, 28. M. Balamurugan, 29. G. Kandan, 30. E. Anandan, 31. S. Karunakaran, 32. A. Ramkumar, 33. A. Arivu, 34. E. Rajkumar, 35. R. Vadivel, 36. L. Veerabalan, 37. Anandakumar, 38. M. Dheenadayalan, 39. S. Vernkatesan, 40. K. Vallavan, 41. G. Pradeeswaran, 42. S. Balasundaram, 43. K. Kannadasan, 44. R. Vijayavelu, 45. S. Kamalakannan, 46. T. Parthiban, 47. S. Nagaraj, 48. K. Ramesh, 49. R. Tamizhselvan, 50. M. Sakthivel, 51. M. Vadivel, 52. T. Moova, 53. J. Kabeerkhan, 54. M. Murugan, 55. S. Raja, 56. P. Pughanthi, 57. R. Sankar, 58. V. Venkatachalam, 59. G. Ganesan, 60. S. Kandasamy and 61. A. Saravanan, is justified or not? If justified, what relief they are entitled to?

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

2. *The averments set forth in the petition is as follows:*

The Petitioner Manakular Motors Thozhilalar Sangam having 61 number of workers working in the respondent company for more than 10 years and there is no remark at all as against the petitioners so far. The petitioners performed all works assigned by the respondent more than 12 hours without any safety, health, statutory leave or welfare and also the workers were getting very low salary, hence, the workers demanded wage increase/revision and E.S.I., E.P.F. benefits from the respondent management but they were not ready to increase the wages. A Memorandum of settlement with the workers entered on 22-01-2015 to pay all the pending bonus,

wages and incentive within a period of 20 working days starting from 24-01-2015 was not obeyed and further, the management lodged a false FIR against the innocent workers with the help of Mudaliarpet Police Station, Puducherry.

(ii) The respondent ignored the demands raised by the workers and thereby, the respondent started all sort of unfair labour practice as against the petitioners. The respondent management had threatened and simply thrown out the workers from the employment from 2014 onwards without any charges and reason which is against the principles of natural justice. Therefore, the petitioner approached the Labour Officer (Conciliation), Puducherry, for reinstatement and the same ended in vain. The management utilized the workers like slave and exploited their tender age and not considered their welfare and all other benefits which are enumerated in the labour laws. The respondent management denied the employment to the petitioners without following the mandatory procedures which is enumerated in the labour laws which is absolutely illegal and therefore, the respondent is liable to reinstate the petitioners with full back wages and continuity of service.

(iii) The respondent after accumulating huge wealth from the business, had sold the company and settled and the company is now not in existence at Pondicherry, the respondent by eating valuable work and life of the claimant created such wealth and hence, liable to compensate the claimants for loss of their life. Hence, the petitioners pray for reinstatement with full back wages and continuity of service or in the event of impossibility of reinstatement to give appropriate compensation.

3. Notice served to both the Petitioner and Respondent. Petitioner appeared and engaged an Advocate to represent him and filed claim statement but, the Respondent inspite of receipt of notice has remained absent and hence, the Respondent Management was set *ex parte* on 06-12-2022.

4. Point for determination:

Whether, the Petitioner Workmen are entitled for the prayer of reinstatement with consequential benefits or in the event of impossibility of reinstatement for compensation as prayed in the Claim Petition?

5. On Point:

Respondent remained *ex parte* and the Petitioner filed Proof affidavit and examined himself as PW1. Exs.P1 to P4 were marked.

6. On the point:

The contention of the petitioner Union is that in the petitioner sangam, there are 61 members who are workmen working in the respondent management. The further contention of the petitioner is that the abovesaid workmen have more than 10 years of service, but, the respondent management without providing overtime allowances and without following safety, healthy and statutory leave was extracting work from the workers by paying low salary and therefore, workmen demanded wage revision and other benefits and during the conciliation proceedings, the management agreed to settle the issues of bonus, wages and incentives as per settlement, dated 22-01-2015, but, later failed to settle the issues and therefore, the petitioner got direction to register FIR as against the management for misappropriation of P.F. amount and hence, the respondent resorted to all unfair labour practices and refused to provide employment to the members of the petitioner Sangam. The further contention of the petitioner is that the conciliation proceedings also ended in failure and therefore, the present industrial dispute was raised.

7. In this case, the respondent inspite of receipt of notice has remained *ex parte*. This Court on perusal of evidence of P.W.1 finds that it is the case of the petitioner that the respondent has adopted unfair labour practice by not providing employment to 61 workmen.

8. This Court on perusal of evidence of P.W.1 and exhibits relied by the petitioner holds that the petitioner has proved the claim and further, the evidence of P.W.1 remains unchallenged and unrebutted by the respondent. In this case, though the petitioners have stated in the claim petition that the business has been sold, but, to substantiate the same nothing has been produced and apart from that inspite of said averments the petitioners have sought for the relief of reinstatement with consequential benefits. Hence, this Court on considering the above submissions holds that the petitioner workmen are entitled for the claim as made in the claim statement. Thus, the dispute raised by the petitioner is held to be justified.

In the result, this industrial dispute petition is allowed and the respondent management is directed to reinstate the petitioner workmen with full back wages and continuity of service and all attendant benefits. There is no order as to costs.

Partly typed by the Stenographer, partly typed by me in my laptop, corrected and pronounced by me in open Court on this the 31st day of January, 2024.

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

List of petitioner's witness :

PW1 — 19-12-2022 Thiru R. Santhosh

List of petitioner's exhibits :

Ex.P1 — 22-06-2017 Photocopy of the notice of enquiry/conciliation issued by the Labour Officer (Conciliation).

Ex.P2 — 22-01-2015 Photocopy of the Memorandum of Settlement arrived between the Respondent and petitioner in conciliation.

Ex.P3 — 31-08-2015 Photocopy of the FIR in Crime No.:82/2015 against the respondent.

Ex.P4 — 29-04-2015 Certified copy of Form-A certificate of respondent company.

List of respondent's witnesses : Nil

List of respondent's exhibits : Nil

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

GOVERNMENT OF PUDUCHERRY
COMMERCIAL TAXES SECRETARIAT

(G.O. Ms. No. 3, Puducherry, dated 31st May 2024)

NOTIFICATION

On attaining the age of superannuation, Thiru M. Pugazhendi, Assistant Commissioner (*ad hoc basis*) of the Commercial Taxes Department, Puducherry, is admitted into retirement on the afternoon of 31-05-2024.

(By order)

L. MOHAMED MANSOOR,
Additional Secretary to Government
(Commercial Taxes).

GOVERNMENT OF PUDUCHERRY
DIRECTORATE OF SCHOOL EDUCATION
(SECRETARIAT WING)

(G.O. Ms. No. 05, Puducherry, dated 6th June 2024)

ORDER

The Notice of voluntary retirement given, under rule 48 (A) of Central Civil Services (Pension) Rules, 1972, by Thiru J. Augustine, Vice-Principal, NKC Government Girls Higher Secondary School, Kurusukuppam, Puducherry, is accepted. Accordingly, he is admitted into voluntary retirement with effect from the afternoon of 31-07-2024.

(By order of the Lieutenant-Governor)

F.P. VERBINA JAYARAJ,
Under Secretary to Government
(School Education).

உழவர்கரை நகராட்சி, புதுச்சேரி

F. No. 25-81/AE-IV/JE(6)/OM/2021-22.

இறுதி அறிவிப்பு

[1973-ஆம் ஆண்டின் புதுச்சேரி நகராட்சிகள் சட்டத்தின் பிரிவு எண் 256 (1)-ன் படி]

இதனால் அறிவிப்பது யாதெனில், கீழ்க்கண்ட அட்டவணையில் குறிப்பிடப்பட்டுள்ள பொது வீதிகளாக இல்லாமல் இருந்துவரும் வீதிகள் பொது வீதிகளாக அறிவிக்கப்படவுள்ளது எனவும், அது குறித்து ஆட்சேபனை ஏதேனும் இருப்பின், அது குறித்தான அறிவிப்பு வெளியிடப்பட்ட 30 நாட்களுக்குள் தெரிவிக்குமாறு, கடந்த 06-12-2023 அன்று “தினமலர்” தமிழ் நாளிதழில் வெளியிடப்பட்டது. மேலும், இந்த சாலைகள் பற்றிய விபரங்கள் <https://py.gov.in> மற்றும் www.oulmun.in என்ற வலைதளங்களில் வெளியிடப்பட்டது.

மேற்கூறிய 30 தினங்களுக்குள் எழில் நகர் (வடக்கு) சாலைப் பகுதிகளுக்கு மட்டும் ஆட்சேபனை பெறப்பட்டது. பெறப்பட்ட ஆட்சேபனை சார்ந்த நில சாலைப் பகுதியை தவிர்த்து அவ்வறிவிப்பில் வெளியிடப்பட்டுள்ள மற்ற அனைத்து சாலைகளையும் பொது சாலைகளாக கீழ்க்கண்ட அட்டவணையில் குறிப்பிடப்பட்டுள்ள சாலைகள், பொது வீதிகளாக இன்று முதல் அறிவிக்கப்படுகிறது.