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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..	702	Sentence arbitral du travail de tribunal	.. 702	Award of the Labour Court	.. 702
அரசு அறிவிக்கைகள்	.. 704	Notifications du Gouvernement	.. 704	Government Notifications	.. 704
ஒப்ப அறிவிப்புகள்	.. 707	Avis d' appel d' offres	.. 707	Tender Notices	.. 707
ஆபத்தான நிறுவனங்கள்	.. 708	Etablissements dangereux	.. 708	Dangerous Establishments	.. 708
சாற்றறிக்கைகள்	.. 709	Annonces	.. 709	Announcements	.. 709

GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT

(G.O. Rt. No. 78/AIL/Lab./S/2024,  
Puducherry, dated 23rd September 2024)

NOTIFICATION

Whereas, an Award in I.D. (L) No. 03/2021, dated 04-03-2024 of the Labour Court, Puducherry, in respect of the industrial dispute between the M/s. Vinayaka Missions Medical College and Hospital, Karaikal and the Union for All Staff in Vinayaka Mission Medical College and Hospital, over regularization of Staff Nurse working on fixed term employment, to Pay Scale, *ex gratia* allowances, grant promotion on par with other permanent Staff Nurses *etc.*, 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)

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.

*Monday, the 04th day of March 2024*

**I.D(L). No. 03/2021**

The President,  
Union for All Staff in Vinayaka  
Missions Medical College and Hospital,  
Karaikal. .. Petitioner

*Versus*

The Management,  
M/s. Vinayaka Missions Medical  
College and Hospital,  
Karaikal. .. Respondent

This industrial dispute coming on this day before me for hearing in the presence of Thiruvalargal S. Karthikeyan, Counsel, appearing for petitioner and Thiruvalargal R. Ilancheliyan, R. Thilagavathi, Counsels for the respondent and upon hearing the learned

Counsel for petitioner and respondent and on perusing the entire records of the case, having stood over for consideration till this date, this Court delivered the following:

AWARD

1. This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 29/Lab./AIL/T/2021, dated 08-04-2021 of the Labour Department, Puducherry, to resolve the following dispute between the Petitioner and the Respondent, *viz.*,

(i) Whether the dispute raised by the Union workmen represented by Union for All Staff in Vinayaka Mission's Medical College and Hospital, Karaikal, against the Management of M/s. Vinayaka Missions Medical College and Hospital, Karaikal, over regularization of Staff Nurse working on fixed term employment to pay salary, *ex gratia* allowances, grant promotion on par with other permanent Staff Nurses *etc.*, are 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 averments set forth in the claim statement is as follows :*

The petitioner submits that this claim petition is filed for regularization of Staff Nurses on fixed term contract and equal pay. The petitioner Union is registered Union under the Trade Union Act and representing on behalf of the 200 Staff Nurses of the Union. The Industrial Dispute was filed to give equal pay for equal work, *ex gratia* allowances, to give promotion and all other benefits and privileges equally with the other 9 permanent staffs to follow and implement the Equal Remuneration Act, 1976, other constitutional grantees legal rights other beneficial registration framed by the parliament for protection of the rights and interests of petitioner herein.

(ii) The 200 Staff Nurses are working for the upliftment of VMMC Hospital for the past 18 years. The respondent had made only 9 Staff Nurses permanent in out of 200 Staff Nurses. The 200 Nurses have been working in the same places performing equal work on par with other 9 permanent Staff Nurses. Unfortunately, the petitioner was receiving unequal pay and the petitioners are not promoted on equal to the other 9 Staff Nurses. The power exercised by the respondent herein is colourable exercise of powers. Respondent's arbitrariness against the petitioner resulted in denial of equal pay for equal work, *ex gratia* allowances, promotions and other benefits which is against the settled laws of land. The respondent categorically

admitted that the petitioners were equal on par with the 9 permanent staffs. While the respondent herein have admitted by availing all the C.L., E.L., M.L., CCL., privileges to the 200 Staff Nurses equal to the 9 permanent staffs, the 200 Staff Nurses are entitled for permanent posts.

(iii) The permanent 9 staffs are receiving *ex gratia* allowances on festival seasons but, the petitioners were denied for the *ex gratia* allowances. Therefore, the respondent had acting highhandedly and perpetuating discrimination among the employees. As far as the engagement of fixed term employees are concerned their engagement is purely under the provisions of the Industrial Employment Standing Order Act, which has been legally approved by the Government. The petitioners submits that so far the respondent herein had not made any standing orders for the welfare of the petitioners herein, since there is no standing order, it is not legally approved by the Government. Therefore, the petitioners deny the contention of the respondent that the fixed term employees were engaged purely under the provisions of the Industrial Employment Standing Order Act. Therefore, respondents were put into strict proof to prove existing of the Industrial Employment Standing Order Act and legally approved by the Government, if any.

(iv) The petitioner submits that it shall be noted that the right to equality has been declared by Supreme Court as basic feature of the Constitution. Article 14 states that all persons similarly situated or under similar circumstances shall be treated alike and equal laws should have to be applied to all in the same situation and there should be no discrimination between one person and another if, their position is substantially the same. The petitioner submits that the Hon'ble Supreme Court of India held in Krishna Kumar Vs. UP SFEC Corporation (1994) III LLJ (sup) 254 (SC) it is stated that even if, the employee appointed on fixed term contract basis and such contract has been renewed from time to time, is right to claim for regular employment cannot be negated by way of contract. Therefore, from the abovesaid judgment, it is very clear that the petitioner were entitled for permanent employment in the work place. Therefore, the respondent's counter filed on 04-03-2015 were vexatious and frivolous and against the settled law of Supreme Court of India.

(v) The petitioner herein submits that they had completed 240 days continued service in the calendar year. The records shall prove that all the petitioners had continued service in the calendar year. Therefore, the petitioners here are entitled to

permanent post in their work place and equal pay for equal work and entitled for *ex gratia* allowances, promotion and all other benefits and privileges on par with the permanent staffs.

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

The respondent herein denies the averments made by the petitioner in the claim statement are absolutely false and not maintainable under law. The respondent is confined to file the reply statement only to the matter relating to the terms of reference and the petitioner's contention in their claim statement is not related to the issues as per the terms of reference, the basic issue to be decided by the Hon'ble Tribunal is whether the demand of the petitioner Union over regularization of Staff Nurse working on fixed term employment to pay salary *ex gratia* allowances, grant promotions are justified or not. The respondent management is running a medical college and hospital and providing medical education as per the guidelines and control by the National Medical Commission. The recognition given are not permanent in nature and it is subject to renewal from time to time.

(ii) The respondent institution is having 3 Union namely, 1. Vinayaka Missions Medical College and Hospital Non-teaching Staff Union, 2. Union for All Staff in Vinayaka Missions Medical College and Hospital and 3. Vinayaka Missions Thozhilalar Munnetra Sangam. Out of the abovesaid three Unions, the petitioner Union was defeated when the Commissioner of Labour conducted an election as per the direction of the Hon'ble Madras High Court to recognize the majority Union and only the Vinayaka Missions Medical College and Hospital Non-teaching Staff Union was declared to be the majority Union recognized for purpose of negotiating with the respondent management. Therefore, there is no genuine in their approach or they do not have any *locus standi* to raise this dispute. Right from the establishment of Medical College there were lot of industrial unrest and there were Union affiliated to different political groups. Only in such a situation, the respondent management contemplated to engage Nurses and other staff members temporarily on fixed term basis for the betterment of service to the patients and students and therefore, the service of the employees engaged on fixed term basis is brought under the regular category it will not be conducive in the interest of the student and hospital as a whole. Therefore, the respondent management does not have any legal obligations to regularize the service of the employees employed on fixed term contract basis.

(iii) The respondent management is having multi-cadre employees in different categories and have regular and fixed term basis and such are those employees engaged on fixed terms basis are engaged on mutual consent. The petitioners claim to pay wages under the equal remuneration act is a wrong conception projected before this Court. As far as the payment of equal wages is concerned it is purely based on education, experience and nature of work in various category, therefore, the allegation of the petitioner that there is discrimination of wages is absolutely false. The respondent management does not have any legal obligations to regularize the Nurses engaged on fixed term basis and if, their services are made permanent it will hamper the smooth running of the institution and hospital, and will cause irreparable loss to the respondent management. Hence, prays for the dismissal.

4. *Points for consideration:*

1. Whether the dispute raised by the petitioner Union is justified?

2. Whether the Petitioner is entitled for the relief as prayed in the claim petition?

5. *On points:*

This Court finds that in I.A.No. 2/2023 this Court has recorded the minutes of meeting, dated 31-01-2023 signed by the Management and the authorised Staff Nurses. It is the contention of the Staff Nurses that as per the above Minutes Meeting, dated 31-01-2023, the dispute involved in the present case has been resolved and the terms entered in the abovesaid minutes has been given effect and also extended to all other Staff Nurses on fixed terms working in the respondent management. Hence, this Court in view of above discussions holds that there does not survive anything in this petition for further consideration.

In the result, this petition is disposed in terms of Minutes of Meeting held on 31-01-2023. The letter, dated 27-01-2023, Authorization Letter, dated 27-10-2023 and Minutes of Meeting, dated 31-01-2023 shall form part and parcel of this Award. 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 the open Court, on this 04th day of March, 2024.

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

GOVERNMENT OF PUDUCHERRY  
**DIRECTORATE OF SURVEY AND LAND RECORDS**

No. 7022/DOS/EC-II/Training/2024.

Puducherry, dated 26th September 2024.

NOTIFICATION

In pursuance of the G.O. Rt. No. 09, dated 15-07-2024 of the Department of Revenue and Disaster Management, the following Revenue Officials who have undergone the Survey and Settlement Training as I-Batch (Puducherry District) for the Financial year 2024-25 for 36 working days in the Directorate of Survey and Land Records, Saram, Puducherry, with effect from 22-07-2024 to 11-09-2024, are declared successful in the concluding Survey Training Tests conducted on 09th and 10th September, 2024.

*N.B :* Request from unsuccessful candidates as to the cause of failure or revaluation of Survey Training Test papers will not be entertained.

Sl. No.	Name and designation	Name of the office in which working
(1)	(2)	(3)
	Tmt./Selvi/Thiru:	
1.	R. Rajalakshmi, Deputy Tahsildar.	Taluk Office, Puducherry.
2.	P. Kathirval, Village Administrative Officer.	Taluk Office, Puducherry.
3.	S. Madanagopal, Village Administrative Officer.	Taluk Office, Puducherry.
4.	D. Sekar, Village Administrative Officer.	Taluk Office, Puducherry.
5.	A. Desingu, Village Administrative Officer.	Taluk Office, Puducherry.
6.	V. Djegadisvary, Village Administrative Officer.	Taluk Office, Villianur.
7.	V. Dhanalakshmi, Village Administrative Officer.	Taluk Office, Villianur.
8.	K. Sacti Sivagami, Village Administrative Officer.	Taluk Office, Villianur.
9.	D.J. Anandhou, Village Administrative Officer.	Taluk Office, Villianur.
10.	R. Nirmala, Village Administrative Officer.	Taluk Office, Villianur.
11.	R. Pushpanatham, Village Administrative Officer.	Taluk Office, Villianur.
12.	A. Manimala, Village Administrative Officer.	Taluk Office, Bahour.