



Registered with the Registrar
of Newspapers for India
under No. 10410

புதுச்சேரி மாநில அரசிதழ்

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

அதிகாரம் பெற்ற வெளியீடு

Publiée par Autorité

Published by Authority

எண்	} 43	புதுச்சேரி	செவ்வாய்க்கிழமை	2024 ௨௩	அக்டோபர் ௨௨	
No.		Poudouchéry	Mardi	22	Octobre	2024 (30 Asvina 1946)
No.		Puducherry	Tuesday	22nd	October	2024

பொருளடக்கம்

SOMMAIRES

CONTENTS

	பக்கம்		Page		Page
தொழில் நீதிமன்றத் தீர்ப்புகள்..	714	Sentence arbitral du travail de tribunal	.. 714	Award of the Labour Court	.. 714
அரசு அறிவிக்கைகள்	.. 716	Notifications du Gouvernement	.. 716	Government Notifications	.. 716
ஒப்ப அறிவிப்புகள்	.. 717	Avis d' appel d' offres	.. 717	Tender Notices	.. 717
ஆபத்தான நிறுவனங்கள்	.. 720	Etablissements dangereux	.. 720	Dangerous Establishments	.. 720
சாற்றறிக்கைகள்	.. 721	Annonces	.. 721	Announcements	.. 721

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 79/AIL/Lab./S/2024,
Puducherry, dated 23rd September 2024)

NOTIFICATION

Whereas, an Award in I.D. (L) No. 25/2022, dated 30-05-2024 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of dispute between the M/s. E-Mox Manufacturing Private Limited, Puducherry and All India United Trade Union Centre (AIUTUC), Puducherry, over non-employment of Thiru A. Govindaraj 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 : Thiru G.T. Ambika, M.L., PGDCLCF.,
Presiding Officer.

Thursday, the 30th day of May 2024

**I.D(L). No. 25/2022
CNR. NO.PYPY06-000084-2022**

The President/Secretary,
All India United Trade Union Centre,
Puducherry. .. Petitioner

Versus

The Managing Director,
M/s. E-Mox Manufacturing Private Limited,
Assembly Division,
Puducherry-607 402. .. Respondent

This industrial dispute coming on this day before me for hearing in the presence of S. Sivakumar, President of the Union appearing for petitioner and Thiruvalargal K. Babu, S. Karthikeyan, 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

This Industrial Dispute has been referred by the Government as per the G.O. Rt. No. 132/AIL/Lab./T/2022, dated 05-08-2022 for adjudicating whether the industrial dispute raised by the Trade Union *viz.*, All India United Trade Union Centre (AIUTUC), Puducherry, against the Management of M/s. E-Mox Manufacturing Private Limited, Puducherry, over non-employment of Thiru A. Govindaraj justified or not? If justified, what relief the Petitioner is entitled to?

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

2. *Brief averments set forth in the claim statement is as follows* :

The respondent company is involved in the manufacturing of mosquito repellent assembly unit and around 400 workers are employed in it. The petitioner joined the respondent company with effect from 01-06-2006 in the Production Department. On 15-09-2021, the petitioner was not allowed to work and when enquired no proper details were given. On 18-01-2021 and 01-11-2021, he wrote a letter to the respondent company requesting for job which was not received and so he sent the same through registered post which were unclaimed by the respondent company and so he approached the Trade Union for his remedy.

(ii) On 13-06-2022, a letter was sent to the Conciliation Officer and the respondent company failed to reply and so, the dispute was referred to this Court. The Standing Orders of the respondent company is not as per law and was obtained by receiving the signature of the contract labourers. The petitioner was also not provided the bonus for the year 2021 and the same was issued during the conciliation proceedings.

(iii) The petitioner is serving in the respondent company for the past 16 years and without any proper explanation, his service has been terminated and his request also denied. From 15-09-2021 the petitioner is jobless and suffering to maintain his family. Hence, the petition.

3. *Brief averments in the counter filed by the Respondent is as follows :*

The claim made by the petitioner on behalf of Mr. A. Govindaraj, over his non-employment and the allegations contained in the claim statement are baseless, vexatious, devoid of merits and concocted with reference to the facts alleged and is not maintainable in law or on facts and liable to be dismissed. The petitioner Union has no representative character to raise any charter of demands or any other dispute as against this respondent as there is no espousal of the dispute by a substantial number of workmen as required by law, in order to sustain an industrial dispute. Only a workman can approach the Conciliation Officer/Labour Court/Industrial Tribunal in respect of his claim if any. Admittedly, Mr. A. Govindaraj does not fall within the ambit of workman, he was initially appointed as Production Supervisor with effect from 01-06-2006 *vide* appointment order, dated 31-05-2006 and then promoted as Senior Officer - Production with revision of salary with effect from 01-04-2017 *vide* letter, dated 11-10-2017. His last drawn monthly salary was ₹ 30,235. He was functioning as shift incharge and responsible to train and conduct workmen, resolves problems in the production line and ensure output of productivity from the workers. His job profile, monthly emoluments and other privileges are in line with the Management Category. Under such circumstances, the respondent prays to take up the issue of jurisdiction and the authority of the petitioner Union as preliminary issues among other issues and decide the same at the first instance.

(ii) In the month of July 2020, the respondent management came to know that he was running a manpower contract and on enquiry he informed the respondent management that his sister was running the manpower contract and assured that he would have over the contract to someone else. The respondent company is engaged in manufacture of mosquito repellent machine assembly and the petitioner has insisted only night shift duties in the months of August and September 2021 and the respondent management allowed him to come in night shifts. Thereafter he continued to insist night shift duty permanently. The respondent management got repeated complaints against him for sleeping during working hours and decided to inquire the matter. On enquiry the respondent management was shocked to find that the said Govindaraj has setup a manpower organization namely, K.M.Enterprises in the name of his wife Mrs. G. Santhi and was supplying around

200 manpower to M/s. Star Converters located at Kilianur Main Road, Konjumangalam who is a competitor for the respondent factory and they are also producing similar products using the same machinery and technology of what respondent was using. He worked in the respondent organization and has got 15 years of experience and has through knowledge in the production and business of the respondent.

(iii) The petitioner obtained EPF, ESIC Registration Certificate under the Shops and Establishment Act in the name of his organization M/s. K.M.Enterprises at Puducherry. The petitioner has misused the respondent company computer, printer and stationary for printing the salary ledger of his own enterprises and was caught red-handed and asked to attend a preliminary enquiry on 14-09-2021 in the presence of the Factory Manager and the Production Manager and produced all the evidence and the petitioner got tensed and thrown resignation letter in anger and left the premises immediately. The management decided to initiate disciplinary action against him and as such he was issued with a detailed charge-sheet, dated 12-11-2021. Even on receipt of the said charge-sheet the petitioner has not submitted any explanation. An domestic enquiry was conducted on 04-12-2021, 21-12-2021, 10-01-2022 and 12-02-2022 and even on providing ample time and opportunity the charge-sheeted official never attended the enquiry on the dates mentioned above and the enquiry was proceeded *ex parte*.

(iv) The findings of the enquiry were supported by the logical reasoning and applications of mind by the Enquiry Officer. After considering the gravity of the misconduct, a show cause notice, dated 23-03-2022 seeking his comments on the enquiry report. Since, the conciliation proceedings were pending and subsequently the matter was referred to this Court, the respondent has not taken further action. Considering the conduct of the petitioner, the respondent has lost confidence in the service of the petitioner and so, the petitioner is not entitled to any relief and prays for the dismissal of the same.

4. *The points for consideration are :*

Whether the petitioner is entitled for the relief as prayed in the claim petition?

5. *On points :*

On the side of the petitioner, the petitioner was examined as PW1 and Ex.P1 to Ex.P15 were marked.

6. Today the case was called for reporting settlement, petitioner/workman and petitioner Union present, Counsel for respondent present. Memo filed by the petitioner stating that both parties to the dispute have entered into compromise and thereby settlement agreement was entered between the parties on 27-05-2024. In the memo it is further stated that full and final settlement has been arrived between the parties and therefore, the petitioner is withdrawing the dispute raised by him and further to record the same by this Court.

7. Hence, this Court on considering the memo and settlement filed by both parties finds that there does not survive anything more for consideration in this case.

In the result, this petition is disposed in terms of memo filed by the petitioner and settlement agreement, arrived between the petitioner/workman and respondent on 27-05-2024. The settlement agreement, dated 27-05-2024 shall form part and parcel of this Award. There is no order as to costs.

Partly typed by the Stenographer, partly written and pronounced by me in the open Court, on this the 30th day of May, 2024.

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

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

*(G.O. Rt. No. 81/Lab./AIL/S/2024,
Puducherry, dated 01st October 2024)*

NOTIFICATION

Whereas, the Government is of the opinion that an industrial dispute has arisen between the management of M/s. New Pondy Hi-Tech Machineries, Kattukuppam, Puducherry and Tmt. M. Jayasankari, over full and final settlement, in respect of the matter mentioned in the Annexure to this order;

And whereas, in the opinion of the Government, it is necessary to refer the said dispute for adjudication;

Now, therefore, by virtue of the authority delegated *vide* G.O. Ms. No. 20/9/Lab./L, dated 23-5-1991 of the Labour Department, Puducherry, to exercise the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act XIV

of 1947), it is hereby directed by the Secretary to Government (Labour) that the said dispute be referred to the Labour Court, Puducherry for adjudication. The Labour Court, Puducherry, shall submit the Award within 3 months from the date of issue of reference as stipulated under sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947 and in accordance with rule 10-B of the Industrial Disputes (Central) Rules, 1957. The party raising the dispute shall file a statement of claim complete with relevant documents, list of reliance and witnesses to the Labour Court, Puducherry, within 15 days of the receipt of the order of reference and also forward a copy of such statement to each one of the opposite parties involved in the dispute.

ANNEXURE

(i) Whether the industrial dispute raised by the petitioner Tmt. M. Jayasankari, against the management of M/s. New Pondy Hi-Tech Machineries, Kattukuppam, Puducherry, over full and final settlement is legal and justified? If justified, what relief the petitioner is entitled to?

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

(By order)

S. SANDIRAKUMARAN,
Under Secretary to Government (Labour).

GOVERNMENT OF PUDUCHERRY
CHIEF SECRETARIAT (HOUSING)

*(G.O. Ms. No. 16/2024-Hg.,
Puducherry, dated 08th October 2024)*

NOTIFICATION

In exercise of the powers conferred under section 4(1) of the Puducherry Town and Country Planning Act, 1969 (No. 13 of 1970), the Lieutenant-Governor, is pleased to extend the term of office by one year of the Members of the Puducherry Town and Country Planning Board constituted *vide* G.O. Ms. No. 6/2021-Hg., dated 08-10-2021 of the Chief Secretariat (Housing), Government of Puducherry.

(By order of the Lieutenant-Governor)

P. EJOUMALE,
Under Secretary to Government (Housing).