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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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GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT

(G.O. Rt. No. 20/Lab./AIL/S/2026,  
Puducherry, dated 23rd February 2026)

NOTIFICATION

Whereas, an Award in I.D (L) No. 33/2017, dated 17-09-2025 of the Labour Court, Puducherry, in respect of the industrial dispute between the Management of M/s. Mahatma Gandhi Medical College and Research Institute, Puducherry and V. Arulmozhi Selvan, over re-instatement, subsistence allowance, arrears of subsistence allowance and compensation, *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 23-05-1991, 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 17th day of September 2025.*

**I.D. (L). No. 33/2017  
CNR. No. PYPY06-000003-2014**

Thiru V. Arulmozhi Selvan,  
S/o. Vaithianathan,  
No. 38, K.K. Nagar,  
Koothapakkam,  
Cuddalore-607 002. . . Petitioner

*Vs.*

The General Manager,  
M/s. Mahatma Gandhi Medical  
College and Research Institute,  
Pillaiyarkuppam,  
Puducherry. . . Respondent

This Industrial Dispute coming before me for hearing in the presence of Thiruvalargal S. Kalimuthu @ Lenindurai, A. Ali Akber, M. Ruthra and M. Murali, Counsels for the Petitioner and Thiruvalargal L. Sathish, V. Veeraragavan, S. Velmurugan and E. Karthik, Counsels for Respondents, upon hearing both sides, after perusing the case records, after having stood over till this day, this Court passed the following:

AWARD

This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 78/AIL/Lab./T/2017, dated 17-05-2017 of the Labour Department, Puducherry, to resolve the following dispute between the petitioner and the respondent, *viz.*,-

(a) Whether the dispute raised by Thiru V. Arulmozhi Selvan against the management of M/s. Mahatma Gandhi Medical College and Research Institute, Puducherry, over re-instatement, subsistence allowance, arrears of subsistence allowance and compensation, *etc.*, is justified or not? If justified, what relief he is entitled to?

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

2. *The brief averments set forth in the Claim Statement filed by the petitioner is as follows:*

The petitioner herein had joined in Respondent institute on 02-08-2004 as Driver on Temporary basis. As per Settlement of 14-09-2007 between Petitioner and Respondent, Petitioner was confirmed as Permanent Employee *vide* Confirmation Order of 08-09-2008. Petitioner is very sincere in work, he worked without any problems till May, 2014. Then, Senior Personal Manager (Balamukundan) of Respondent Management had forced and insisted Petitioner to work more than 12 hours per day without any Additional Pay as mandated under Law and he used to find faults with petitioner without any reasons. In this regard, the petitioner had complained with respondent management on several occasions but, they ignored his complaints. In such circumstances, the petitioner had given an representation to Conciliation Officer, Labour Department on 23-02-2015. When the respondent got to know about the said petition to Labour Department, the staffs of the respondent had planned and assaulted petitioner on 25-02-2015 and caused injuries to petitioner. Thus, he was admitted in Government Hospital in Cuddalore and treated as Inpatient for two days and was discharged on 27-02-2015. Then the petitioner had sent a written complaint to Kirumampakkam Police Station on 02-03-2015. Petitioner had sent

separate representation to Labour Office, Enforcement and Labour Office, Conciliation. The said Police complaint was not registered by Police officials due to influence of respondent. Then petitioner had approached Magistrate Court and Order was passed to register the said complaint as per Law. Accordingly, the complaint was recorded *vide* FIR.No: 41/2015 on 13-06-2015. The Enquiry was conducted and held by proceedings in Labour Office, Conciliation on various dates. Then the respondent had paid Subsistence Allowance for April, May and June and had paid Salary of March, 2017 on 06-08-2015 *vide* separate cheque.

(ii) Then the respondent had filed reply that petitioner cannot approach conciliation because he is under suspension and enquiry proceeding is pending, thus Conciliation Proceedings were stopped on 06-08-2015 by Labour Department. The respondent had not conducted Domestic Enquiry till October, 2015 and also failed to pay Subsistence Allowance to the petitioner. On 25-01-2016, the petitioner had sent another letter to both Labour Office Enforcement, Conciliation and Management on requests for payment of Subsistence Allowance and for conduct of Domestic Enquiry at earliest. That the petitioner had given application under RTI Act, then the Labour Office - Conciliation had sent notice to petitioner and respondent for hearing on said dispute. That the petitioner had appeared every hearing but, management had not appeared for single hearing. On repeated requests, Conciliation Officer had sent a final notice to management for hearing and for reply on 28-10-2016. Then the respondent had sent a letter on 09-11-2016 to the Labour Office, Conciliation and their copy was given to the petitioner by Conciliation Officer only on 16-11-2017. The said letter is on content that Petitioner was given an opportunity to join one LHCRRD and directed to report to said LHCRRD on 15-11-2016. The petitioner had immediately sent his reply of willingness to join duty on 18-11-2017. But, without considering the reply of the petitioner, the respondent management sent a letter on 08-12-2016 that the petitioner was not interested to join duty and thus he had abandoned of service. It was informed to Labour Department, thus respondent had directed the petitioner to join duty within 12-12-2016 and to send a letter for apologize to respondent management. Thus, on 10-12-2016 the petitioner had sent letter to respondent that he will return to work on 12-12-2016 and had also sought apologies for non-joining of employment within referred date as mentioned by

respondent. Thus, petitioner had met Personal Manager of respondent on 12-12-2016 to resume his work, but the said manager had said that he will call petitioner if, necessary and directed him to wait till then. But, on 24-01-2017 the respondent had sent a letter that petitioner had abandoned service and his name will be deleted from Muster Roles as abandonment on his own violation. The said facts were then reported to Conciliation Officer, Labour Department, Puducherry and thus this dispute is referred to this Court as per Law. That the petitioner is very poor and is having family depending on his sole income. That the respondent management is acting on vengeance against the petitioner because of his complaints against Management to Labour Department and to Police Hence, the petition.

3. *The brief averments set forth in the Counter Statement filed by the respondent is as follows:*

That respondent is emerging as one of the reputed medical institutions in and around Puducherry region and it has assumed strategic importance for people of Pondicherry in providing quality medical care in complicated fields of medicine. That the petitioner was employed as a car driver, in spite of possessing heavy duty license on his request as he did not feel capable of driving heavy vehicles and the very nature of his job requires lot of patience. He was also required to report to duty as per the exigencies of the respondent and therefore, he could not be fit in a 9 to 5 employment schedule. The petitioner's timing was therefore, always required to be flexible and he cannot take any grievances regarding his timing of work. In any even the Management paid all statutory dues to the petitioner and there was no reason for him to complain. However the petitioner had always been very arrogant and rash to travelers whom he was required to taken in his car. He was always complaining about the odd hours of travels that he was required to undertake which was his professional obligation. On 23-02-2015, it was reported by one of the security officers that petitioner had parked a private vehicle inside Respondent's shed without any permissions or prior intimation. The said vehicle was parked by the petitioner in the morning and it was taken back only by the evening. Security officer of respondent immediately lodged a complaint with respondent on 24-02-2015. The respondent therefore, issued a show cause notice of the petitioner on 25-02-2015, which was refused to be received by him and hence, it was sent by registered post to him on same date. Since, the petitioner did not respond to the said show cause notice, another show cause notice was issued to him on 14-03-2015. That on

03-04-2015, respondent issued an Office Order to petitioner, transferring him to LHCRRD, Mettupalayam which is the rural health centre run by respondent. The petitioner refused to receive the said office order though he was very much available on duty. Since refusal to receive a transfer order is a serious misconduct under Model Standing Orders which has been adopted by the Institution. Hence, a show cause notice-cum-suspension was issued to petitioner on 01-04-2015 calling upon him to give suitable explanations to petitioner. That as soon as the petition was issued with show cause notice, dated 25-02-2015 he lodged a false complaint against the personal officer of the respondent and it appears that when the police did not register a complaint, he approached the Court and managed to get a direction for registration of FIR on false complaint. The respondent was not aware of registration of any FIR till June 2015, when the Kirumambakkam Police made enquiries with respondent about the said case.

(ii) That petitioner did not give any reply to the show cause notice issued to him. Instead he approached all possible Government authorities giving complaint against the Respondent, dated 10-04-2015 making all kinds of false allegations against the respondent. A notice was issued by Labour Officer (Enforcement) on 23-04-2015 and since, the dispute did not fall within the domain of the Labour Officer (Enforcement) further proceedings was not taken. Thereafter, the petitioner submitted yet another letter, dated 26-05-2015 to Labour Officer (Conciliation) making a claim for payment of ₹ 25 lakhs as compensation which included his claim of Gratuity. The Labour Officer (Conciliation) thereafter, issued a notice of conciliation on 14-05-2015 calling upon the respondent to submit its reply to the dispute of non-employment raised by petitioner. In the conciliation proceedings the respondent had made it abundantly clear *vide* its letter, dated 14-07-2015 that the petitioner was only suspended pending enquiry and such suspension does not amount to a punishment and hence, he cannot raise an industrial dispute on such suspension pending enquiry. The petitioner was required to submit his explanation to the show cause notice and participate in the enquiry but, he did not do so. Hence, the Labour Officer (Conciliation) rightly closed the enquiry and advised the petitioner to participate in the domestic enquiry. That the respondent willing to revoke the suspension provided petitioner reports to duty at LHCRRD, where he was originally transferred and gave a letter to that effect on 20-10-2016 but, the petitioner was not inclined to report to duty and was keen only on getting suspension allowance without

working. Instead he submitted his letter of objections to Labour Officer (Conciliation), dated 28-10-2016 where he claimed that LHCRRD is not under the management of respondent and hence, transfer order given to him is invalid. In response to petitioner's letter, dated 28-10-2016, respondent addressed a letter, dated 09-11-2016 where it has made it very clear that it is willing to employ the petitioner only at LHCRRD and he must report at duty within a week and if he fails to report so, it shall be deemed that he is not interested to join duty and it shall be treated as abandonment of service. The petitioner received the said letter in the enquiry proceedings, dated 11-11-2016 but, did not report to duty. However the petitioner did not show any inclination to report to duty and hence *vide* letter, dated 24-01-2017 the petitioner's name was removed from the muster rolls on grounds of abandonment of service.

(iii) That the petitioner had never been interested in discharging the duties with the respondent and on the contrary he has only been interested in extracting money from the respondent. The petitioner being a driver is bound to work at any place as may be required by the respondent and he cannot refuse the work at such places as may be required by the respondent. The respondent was not obligated to conduct any domestic enquiry against the petitioner only because the petitioner was never removed from service and he was only transferred to LHCRRD which was not acceptable to the petitioner, it was a clear case of abandonment of service by the petitioner which does not contemplate any domestic enquiry. Hence, it is prayed to dismiss the petition with exemplary cost in the interest of justice.

#### 4. Points for determination:

1. Whether the dispute raised by Thiru V. Arulmozhi Selvan, against the management of M/s. Mahatma Gandhi Medical College and Research Institute, Puducherry, over re-instatement, subsistence allowance, arrears of subsistence allowance and compensation, *etc.*, is justified or not?

2. Whether the petitioner is entitled for the relief of back wages for the period from April 2015 to 26-01-2020?

#### 3. To what other reliefs?

5. On the side of the petitioner, PW.1 was examined and Exs.P1 to P26 were marked. On the side of respondent, during the cross-examination of PW1, Ex.R1 was marked. RW.1 was examined and Ex.R2 to R8 were marked and RW.2 was examined and Ex.R9 to R14 were marked.

6. *On point No's.1 to 3 :*

The contention of the petitioner is that he had joined in the respondent institute as driver on 02-08-2004 on temporary basis and later the employment of the petitioner was confirmed on 08-09-2008 and while so, from May 2014 the senior personal manager of the respondent management had started to insist the petitioner to work for more than 12 hours per day without any additional pay and further often used to find fault with the petitioner and scolded the petitioner without any reasons and therefore, the petitioner on several occasions informed the respondent management regarding the conduct of the senior personal manager but the same did not fetch any result and hence the petitioner had given representation to Labour Conciliation Officer, Labour Department on 23-02-2015.

7. The further contention of the petitioner is that the respondent management staffs having come to know about the representation given by the petitioner had assaulted the petitioner on 25-02-2015 and as the petitioner suffered multiple injuries the petitioner was admitted in the Cuddalore Government Hospital as inpatient and was discharged after two days on 27-2-2015 and thereafter the petitioner had lodged complaint before Kirumampakkam Police Station on 02-03-2015 but, however as no steps were taken by the police the petitioner had approached Magistrate Court and had obtained an order to register the complaint given by the petitioner and thereafter, FIR was registered and in the mean time the Labour Officer (conciliation) also conducted enquiry on 26-05-2015, 22-06-2015, 03-07-2015, 14-07-2015, 06-08-2015 upon the representation of the petitioner and the petitioner was also paid salary for the month of March 2015 and subsistence allowance for the month of April, May and June 2015.

8. It is the further contention of the petitioner that subsequently the respondent management had submitted a reply to the Labour Officer (conciliation) stating that the petitioner was on suspension and therefore, petitioner cannot approach the Conciliation Officer and hence, the Conciliation Officer had stopped the enquiry proceedings and the respondent management also stopped from conducting domestic enquiry and also failed to pay subsistence allowance and therefore, the petitioner had sent many representations to the Labour Officer Conciliation, but, neither the Conciliation Officer nor the management took any steps to complete the enquiry and hence the petitioner had given application to Public Information Officer, Labour Department (Conciliation and Enforcement)

on 12-08-2016 under RTI Act and and thereafter, the Conciliation Officer had commenced the enquiry proceedings but, however the respondent management had failed to appear for many hearing dates and so the Conciliation Officer has sent final notice of hearing and in such situation the respondent management had sent a letter, dated 09-11-2016 to Labour Officer, conciliation stating that the petitioner is given an opportunity to join one LHCRRD on 15-11-2016 and for which the petitioner also sent his reply, dated 18-11-2017 stating that he is willing to join duty but, the respondent by letter, dated 08-12-2016 has stated that the petitioner was not interested to join duty and thereby the petitioner has abandoned his job but, infact the petitioner had sent a letter, dated 10-12-2016 to respondent management that he will to return to his work on 12-12-2016 and on 12-12-2016 when the petitioner went to resume his work the personnel manager had informed that he will call the petitioner when necessary and to wait till then and in such scenerio the respondent has sent letter, dated 24-01-2017 stating that the name of the petitioner had been deleted from muster Roles. Hence, this industrial dispute has been raised for the relief of reinstatement with arrears of subsistence allowance and for full back wages.

9. Whereas, the contention of the respondent is that since the petitioner was working as a driver he had to work at the time of exigencies without sticking on to a time schedule between 9 to 5 but, the petitioner was arrogant, insubordinate and inspite of warning the petitioner did not mend his behaviour and when such being so, on 23-02-2025 the petitioner had parked his private vehicle inside the respondent's shed without any permission and prior intimation and when the security raised objection the petitioner had altercation with the security officers and hence, the security officer had lodged a complaint with respondent on 24-02-2015 and therefore, the respondent had issued a show cause notice to the petitioner on 25-02-2015 but, the same was refused by the petitioner and hence, the respondent had sent the same by way of registered post but again the petitioner did not respond for the said show cause notice and therefore, another show cause notice was issued on 14-03-2015 which was returned as unserved.

10. The respondent further contended that while so on 03-04-2015 the petitioner was transferred to LHCRRD at Mettupalayam, Alapakkam Post, Cuddalore which is a rural health center run by the respondent but, the petitioner refused to receive the said order and since the said refusal was a serious misconduct under the model standing orders adopted by the respondent institution a show cause notice-cum-suspension order was issued to the 04-04-2015 but, the petitioner instead of giving reply to the respondent had approached

Labour Officer (Conciliation) with false allegations and thereafter the respondent *vide* letter, dated 14-07-2015 gave reply to the Labour Officer stating that the petitioner was suspended pending enquiry and the same does not amount to any punishment and hence, the petitioner cannot raise any industrial dispute on such suspension pending enquiry.

11. Furthermore, it is the specific contention of the respondent that even during conciliation proceedings the respondent had issued letter, dated 20-10-2016 to the petitioner to report to duty and another letter, dated 09-11-2016 requiring the petitioner to report to duty at LHCRRD, within a week failing which it shall be treated as abandonment of service but, the petitioner did not comply with the same and therefore, another letter, dated 08-12-2016 was sent to petitioner requiring to report to duty failing which it will be treated as abandonment but, again the petitioner did not evince any inclination to report to duty and hence, as per letter, dated 24-01-2017 the name of the petitioner was removed from muster rolls on grounds of abandonment of service.

12. *The learned Counsel for petitioner has relied upon the following citations:*

(i) Indian Kanoon -<http://indiankanoon.org/doc/146547652/>

B.V.Narendrakumar vs. The Joint Registrar of Co-op. Societies on 17 July, 2014

The Honourable Mr. Justice D.Hariparanthaman

13. However, the said submission has no substance since the petitioner is not placed under suspension due to the pendency of the criminal proceedings. On the other hand, he was placed under suspension pending departmental enquiry and he was also dismissed, based on the same. It is not the case of the Department that the departmental enquiry was delayed beyond 180 days due to the petitioner. Only in such an event, the subsistence allowance could be reduced to 50%. Since no such argument is advanced, I am of the view that the petitioner is entitled to full wages after 180 days. In fact, it is not a long period. He was placed under suspension on 12-08-2010 and dismissed from service on 13-08-2012. The petitioner is also paid subsistence allowance @ 50%. In the normal course since 50% subsistence allowance was paid, I could have directed the petitioner to avail the remedy under section 153 of the Act before the first respondent, if he is not covered by the provisions of the Tamil Nadu Payment of Subsistence Allowance Act, being the Secretary of the Society. In this case, I am not

inclined to drive him before the Revisional Authority under section 153 of the Act for the balance of subsistence allowance, particularly taking into account the peculiar facts and circumstances of the case

(ii) Indian Kanoon -<http://indiankanoon.org/doc/516117/>

Ram Lakhan Etc. Etc vs. Presiding Officer And Ors on 17 November, 1999

AIR 2000 Suprem Court 1946, 2000 (10) SCC 77, 2000 AIR SCW 1123, 2000 LAB. I. C. 1371

We are conscious of the observation made by this Court in Hotel Imperial' case (supra) that the Management has no control over the disposal of application under section 33(1) filed before the Industrial Tribunal and therefore, if it has placed the employer under suspension, it will not be under any obligation to pay salary to the suspended employee for the period over which the application under section 33(1) remains pending with the Tribunal. The Court further observed that if the application under section 33(1) is allowed, the employee would be dismissed from service but, if the application is rejected, the employee would be paid all the arrears of salary, Just as the employer has no control over the disposal of the application under section 33(1) of the Industrial Disputes Act, so also the employee has no control over the disposal of that application. Whether the employee would be retained in service or removed would be dependent upon the fate of the application. While the Management can afford to wait for the disposal of that application, it would be impossible for an employee who survives only on his salary to wait for the disposal of that application for an indefinite period. It would not be possible for him to sustain himself. It is in this light that the right to receive reduced salary (Subsistence Allowance) for the period of suspension has to be read along with the right of the management to place the employee under suspension pending disposal of the application under section 33(1) of the Industrial Disputes Act. Thus, the right of Management to suspend and the right of the employee to receive Subsistence Allowance are intertwined and both must survive together.

(iii) Indian Kanoon -<http://indiankanoon.org/doc/635846/>

U.P. State Textile Corporation Ltd. vs. P.C. Chaturvedi and Ors on 3 October, 2005

AIR 2006 Supreme Court 87, 2005 AIR SCW 5519, 2006 (1) ALL LJ 311.

(2) Where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension, shall competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:

(a) The amount of subsistence allowance may be increased upto 75% of the basic pay and dearness allowance thereon if the period of suspension has been prolonged for reasons, to be recorded not directly attributable to the suspended employee;

(b) The amount of subsistence allowance may be reduced up to 25% of the basic pay and dearness allowance thereon if the period of suspension has been prolonged due to reasons, to be recorded directly attributable to the suspended employee.”

13. *The learned Counsel for respondent has relied upon the following citations:*

(i) CDJ 2019 SC 783

Chief Regional Manager, United India Insurance Company Limited Versus Siraj Uddin Khan

9. The learned Counsel for the appellant has pointed out that as the respondent had not attended to his duties for almost 15 years despite having been called upon to do so repeatedly, the direction of the Division Bench to grant him back wages from 17-10-1985 to 10-11-1995 was clearly not justified on the principle of “no work no pay”.

19. This Court held that there was no justification whatsoever to grant any back wages to the respondent on the general principle that nobody could be directed to claim wages for the period that he remained absent without leave or without justification.

(ii) CDJ 2001 SC 260

State Bank of India Versus Anjayn Sanyal

State Bank of India Officers Service Rules, Rules 49 and 50(1) – State Bank of India Act, 1955, Section 43(1) – Transfer – Every Officer of the Bank is liable for transfer to any office or branch of the bank or to any place or deputation to any other organisation in India – Non-obeying the transfer orders by an officer is a grave misconduct – Once he is relieved on account of transfer orders

and have been representing against the same, he cannot be allowed to plead having no knowledge of his transfer orders – Directing the bank to pay full wages and allowances to such an officer for the period he did not join and did not work, would amount to putting premium upon his own wrong – When the subject of transfer, joining period and leave permissible for that matter is governed by the Rules of the Bank, the Court cannot direct the authority to act contrary to the Rules and release benefits in favour of an officer at fault – It is for the authority to decide the matter as per the rules – Where abstaining from work is not legal and justified, principle of ‘no work no pay’ can be applied by the authority – Issuing such a direction will be contrary to the concept and scope of exercise of discretion of the Court under Article 226 of the Constitution.

(iii) Civil appeal nos of 2024 (@ Petition(s) for Special Leave to Appeal(C) No(s). 13070-13075/2022)

The Tamil Nadu Agricultural University & Anr. Etc – Appellant(s) Versus R. Agila Etc., – Respondent(s)

The instant matter is a typical case in an array of service law litigation where an employee gets transferred by the administrative authorities to another place, however instead of joining the new place of posting, they challenge the said order of transfer while also demanding the salary for the period they remained in unauthorised absence. At the outset, we deem it important to highlight that our chief condemnation in such matters is not to the said challenge to transfer orders, rather the act of refusing to join the new place of posting while the legal or administrative battle is underway. The employee is well within his rights to join the transferred place of posting and still continue to avail the remedies available under the law of redressal of his grievances against the transfer.

(iv) CDJ 2022 MHC 6845

K. Kaliyappan & Another *Versus* The Tamil Nadu Civil Supplies Corporation, represented by its Regional Manager, Dharmapuri Region, Dharmapuri & Another.

15. In the present case, during the interregnum period, when the writ petition was dismissed for non-prosecution, the petitioners remained absent and failed to join duty in the transferred place. In such circumstances, an employee is expected to join duty and thereafter, establish his claim before the Court of law.

16. In the present case, the petitioners remained absent intentionally and knowing the consequences. Probably, due to ill-advice or without realizing the consequences, the petitioners would have remained absent. But, such a wrong understanding or ill-advice cannot be a ground to treat the entire period of absence as duty with salary. The principle of "No work, No pay" will be applicable and in the event of paying salary for the said period of absence, it would result in unjust enrichment for the employees. However, the period was regulated as leave eligible as per the rules in force. Thus the interregnum period will be taken into consideration for the purpose of pensionary benefits.

(v) In the High Court of Delhi at New Delhi

Shiv Singh Versus M/s. Ansal Properties & Infrastructure Ltd.

Upon perusal of the aforementioned paragraphs, it can be summarily stated that a transfer order is not just a requirement of service but, also a consequence of service. The authority concerned is well within its jurisdiction to determine as to which individuals should be transferred and what may be their destinatio. The Courts cannot intervene with a transfer order unless it is tainted by malafides or violates provisions of statute.

14. In this case it is the prime contention of the respondent that on 03-04-2015 the petitioner was transferred to LHCRRD at Mettupalayam, Alapakkam Post, Cuddalore which is a rural health center run by the respondent but, the petitioner refused to receive the transfer order and since the said refusal was a serious misconduct under the model standing orders adopted by the respondent institution, a show cause notice-cum-suspension order was issued to the petitioner on 04-04-2015 and thereafter the petitioner has raised industrial dispute for the relief of reinstatement with arrears of subsistence allowance and with full back wages but, however during the pendency of this case proceedings the petitioner has resumed to his work and therefore, the relief of reinstatement as sought by the petitioner has become infructuous and hence, the only disputable issue that arise for consideration in this case is that whether the petitioner is entitled for arrears of subsistence allowance and full back wages for the suspended period.

15. *This Court on perusal of cross examination of P.W.1 finds that the P.W.1 during his cross examination has deposed as follows:*

இந்த வழக்கு நிலுவையில் இருந்த நிலையில். எதிரமனுதாரர் நிர்வாகம் என்னை Life Health Centre for rural rehabilitation and development, Mettupalayam, Aalpakkam post, Cuddalore District என்ற இடத்தில் பணியை தொடருமாறு உத்தரவிட்டது என்றால் சரிதான். அந்த கடிதம் 20-01-2020 அன்று இந்த நீதிமன்றத்தில். எனக்கு வழங்கப்பட்டதா என்றால் ஆம். அதன்படி. நான் 27-01-2020 அன்று, மேற்படி இடத்திற்குச் சென்ற எனது பணியை தொடர்ந்தேன்.

16. Thus, the P.W.1 during his cross-examination has deposed that he continued his job from 27-01-2020 onwards. Hence in the said context, the contention of the learned Counsel for respondent that the relief of reinstatement has become infructuous is found to acceptable one and therefore, the relief of reinstatement does not deserve any consideration.

17. The next point for consideration is whether the petitioner is entitled for subsistence allowance for entire suspended period. It is admitted fact by both parties that transfer order was issued on 03-04-2015 and the suspension order was issued on 04-04-2015 and further during the pendency of this case the petitioner had resumed to his work on 27-01-2020. Hence, the suspension period is found to be from 04-04-2015 to 26-01-2020. The petitioner is claiming subsistence allowance for his entire period of suspension. This Court finds that the concept of subsistence allowance is dealt under payment of subsistence Allowance Act.

18. Section 3 of payment of subsistence Allowance Act adumbrates about payment of subsistence allowance by the employer to employee during the period of suspension. For better appreciation section 3 of payment of subsistence Allowance Act is extracted hereunder:

**3. Payment of subsistence allowance.—** (1) An employee who is placed under suspension shall, during the period of each suspension, be entitled to receive payment from the employer as subsistence allowance, an amount equal to fifty percentum of the wages which the employee was drawing immediately before suspension, for the first ninety days reckoned from the date of such suspension:

Provided that where the period of suspension exceeds ninety days, but does not exceed one-hundred and eighty days, the employee shall be entitled to receive, after the said period of ninety days, a subsistence allowance equal to seventy-five percentum of the wages which the employee was drawing immediately before his suspension:

Provided further that where the period of suspension exceeds one hundred and eighty days, the employee shall be entitled to receive wages in full which the employee was drawing immediately before his suspension:

Provided also that where the enquiry or criminal proceeding is prolonged beyond the period of ninety days for reasons directly attributable to the employee, the subsistence allowance shall, for the period exceeding ninety days, be reduced to fifty percentum of the wages, which the employee was drawing immediately before his suspension.

(2) An employee shall not be entitled to receive any subsistence allowance if he accepts any other employment during the period of his suspension in any establishment other than the establishment where he had been working immediately before his suspension.

(3) An employee shall not, in any event, be liable to refund or forfeit any part of the subsistence allowance admissible to him under sub-section (1):

Provided that where the employee is exonerated of the charge based on which his suspension was ordered, the subsistence allowance paid to him for any period shall be adjusted against the full wages admissible to him for the period of suspension.

(4) The subsistence allowance under sub-section (1) shall be paid by the employer to the employee on the date or dates on which the wages due to the employee, but for his suspension, would have become payable.

19. Thus, as per section 3 of payment of subsistence Allowance Act, an employee who is placed under suspension is entitled to 50% of wages up to three months and from four months to six months the employee is entitled to 75% of wages as subsistence allowance and if, the suspension period exceeds beyond six months then the employee is entitled for full wages. In this case admittedly the petitioner was in suspension from 04-04-2015 to till his date of rejoining to his work on 27-01-2020. Therefore, the period of suspension is from 04-04-2015 to 26-01-2020. Hence, the suspension period is found to have exceeded for more than 6 months and thereby for the period more than six months the petitioner would be entitled for full wages last drawn by him as subsistence allowance.

20. It is the contention of the petitioner that he was paid subsistence allowance only for the month of April, May and June 2015 and thereafter, the respondent has

stopped from paying subsistence allowance. Whereas, the respondent contends that from April 2015 to September 2016 the respondent has paid subsistence allowance to petitioner and to substantiate the same the respondent relies upon Ex.R13. The petitioner during his cross examination has deposed as follows:

உரிய முறையில் subsistence allowance எனக்கு அந்த காலக்கட்டத்திற்கு வழங்கப்பட்டது என்றால் சரியாக வழங்கவில்லை என்று சாட்சி பதிலளிக்கிறார்

21. Thus, P.W.1 deposed that he was not paid subsistence allowance properly but, failed to answer upto when the petitioner was paid subsistence allowance. The respondent in Ex.R13 has mentioned the mode by which subsistence allowance was paid to the petitioner for the period from April 2015 to September 2016. Hence, this Court holds that the respondent has proved that subsistence allowance was paid to the petitioner for the period from April 2015 to September 2016.

22. Though the respondent is found to have paid subsistence allowance to the petitioner for the period from April 2015 to September 2016, it is found that the respondent has not paid the subsistence allowance as per the eligible percentage provided under section 3 of the payment of subsistence Allowance Act because the amount of subsistence allowance paid for the period from April 2015 to September 2016 is found to more or less same for all the months. This Court finds that as per section 3 of payment of subsistence Act the petitioner is entitled for 50% of wages as subsistence allowance up to 3 months and 75% of wages as subsistence allowance for the period from 4 to 6 months and thereafter onwards full wages to be paid as subsistence allowance. Thus this Court holds that the petitioner is entitled for subsistence allowance for the period from April 2015 to September 2016 as per the percentage held in payment of subsistence Allowance Act.

23. When it is held that the petitioner was paid subsistence allowance from April 2015 to September 2016, it becomes necessary to decide whether the petitioner is entitled for subsistence allowance for the remaining period from October 2016 to 26-01-2020 as per the percentage held in payment of subsistence Allowance Act. It is the contention of the respondent that as per Ex.P18 letter, dated 20-10-2016 the respondent has intimated the petitioner that the respondent is once again giving an opportunity to the petitioner to join to the place where he was transferred within one week and thereafter also letter was issued

to resume the work but, the petitioner failed to do so till 26-01-2020 and therefore, the petitioner is not entitled for subsistence allowance for the period from October 2016 to 26-01-2020.

24. This Court on perusal of Ex.P19 finds that it is reply given by the petitioner to the respondent for Ex.P18 letter, dated 20-10-2016 stating that the place where he was directed to join does not come under the management of respondent institution and thereby requested to revoke suspension order and permit the petitioner to continue to work at the respondent institution at Pillaiyarkuppam, Puducherry. The records further reveals that again the respondent is found to have issued Ex.P20 another letter, dated 09-11-2016 requiring the petitioner to report to duty on 15-11-2016 failing which it will be treated as abandonment of service and the petitioner will not be paid any subsistence allowance. The petitioner is also found to have given reply to Ex.P20 as per Ex.P21 letter, dated 18-11-2016 reiterating that the place where he was directed to join does not come under the management of respondent institution and thereby requested to revoke suspension order and permit the petitioner to continue to work at the respondent institution at Pillaiyarkuppam, Puducherry. Later the respondent is found to have issued Ex.P22 letter, dated 08-12-2016 to the petitioner stating that as the petitioner had not joined the duty on or before 15-11-2016 the respondent will be treating that the petitioner has abandoned his job and subsequently the petitioner is found to have given reply Ex.P23 letter, dated 12-12-2016 stating that he is willing to join to duty on 12-12-2016 and it is at this stage the respondent has issued Ex.P24 letter, dated 24-01-2017 stating that since, the petitioner had failed to report for duty on 15-11-2016 as per the instructions of the respondent it has been proposed to remove the name of the petitioner from the muster roles.

25. The records further reveals that during the pendency of this case proceedings, the petitioner during his cross examination on 08-01-2020 has deposed that he is willing to work at the place where the respondent as per Ex.P18 and Ex.P20 had earlier directed and thereafter in the next hearing date the petitioner during his cross examination has deposed that he had resumed to his work on 27-01-2020. Thus from Ex.P18 and Ex.P20, this Court finds that the respondent is found to have instructed the petitioner to report for work with in a week and on or before 15-11-2016 respectively but, the petitioner without reporting for duty is found to have insisted the respondent to revoke the suspension order and to permit the petitioner to continue his work in the respondent institution at Pillaiyarkuppam, Puducherry. Hence, this Court finds that when the respondent specifically issued an order to the petitioner to resume to the work it is found that

the petitioner has refrained from joining to his work and thus, in such context this Court holds that the petitioner is not entitled for subsistence allowance since the petitioner was given job and was instructed to resume to his work.

26. This Court finds that subsistence allowance is provided to employees to sustain themselves during the time of non-employment but, in this case inspite of offering employment the petitioner is found to have evaded the same and hence, in the such context this Court holds that the petitioner is not entitled for subsistence allowance for the period from October 2016 to 26-01-2020.

27. The other point that arises for consideration is whether the petitioner is entitled for full wages for the period from April 2015 to 26-01-2020. It is the contention of the respondent that the petitioner was not removed from service but, on the other hand the petitioner has abandoned his service. This Court finds that for the charge for which suspension order was issued to the petitioner on 04-04-2015, the respondent till date has not produced any document to show that any disciplinary enquiry was conducted and enquiry report came to be emerged but, on the other hand without any enquiry the petitioner was permitted to resume his work. Hence, in such context this Court holds that the petitioner would be entitled for full back wages for the period from April 2015 to September 2016 less the subsistence allowance already paid. Similarly for the period from October 2016 to 26-01-2020 as the petitioner refrained from reporting to duty this Court holds that the petitioner is not entitled either for subsistence allowance or for full back on the principle of "No work No pay". Thus, the points are answered accordingly.

In the result this petition is partly dismissed in respect of the relief of reinstatement and arrears of subsistence allowance is concerned and this petition is partly allowed for the relief of full back wages for the period from April 2015 to September 2016 by directing the respondent to pay full back wages less the subsistence allowance already paid and as far as full back wages for the period from October 2016 to 26-01-2020 is concerned is dismissed. There is no order as to costs.

Typed by the Stenographer to my dictation, corrected and pronounced by me in open Court, on this the 17th day of September, 2025.

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

*List of petitioner's witness :*

PW.1 — 04-10-2019 Thiru Arulmozhi Selvam

*List of petitioner's side exhibits :*

Ex.P1 — 08-09-2008 Photocopy of the confirmation Order.

Ex. P2 — 23-02-2015 Photocopy of the petition to the Conciliation Officer.

Ex. P3 — 27-02-2015 Original copy of Discharge summary issued by Government Hospital at Cuddalore.

Ex. P4 — 28-02-2015 Photocopy of the Complaint by the petitioner to the Inspector Kirumampakkam Police Station.

Ex. P5 — 04-04-2015 Suspension Order issued by the Senior Personal Manager of the Respondent.

Ex. P6 — 04-05-2015 Photocopy of the Representation to the Conciliation Officer by the petitioner.

Ex. P7 — 26-05-2015 Photocopy of the Representation to the Conciliation Officer by the petitioner.

Ex. P8 — 26-05-2015 Photocopy of the Representation to the Conciliation Officer by the petitioner.

Ex. P9 — 15-07-2015 Photocopy of the Representation to the Conciliation Officer by the petitioner.

Ex. P10 — 13-06-2015 Photocopy of the FIR in 41/2015 against the Respondent management Staffs.

Ex. P11 — 22-06-2015 Photocopy of the Representation to the Conciliation Officer by the petitioner.

Ex. P12 — 03-07-2015 Photocopy of the Representation to the Conciliation Officer by the petitioner.

Ex. P13 — 14-07-2015 Photocopy of the Representation to the Conciliation Officer by the petitioner.

Ex. P14 — — Photocopy of the Representation to the Conciliation Officer by the petitioner.

Ex. P15 — 26-10-2015 Photocopy of the Representation to the Conciliation Officer by the petitioner.

Ex. P16 — — Photocopy of the Postal receipts (3 Nos.) with postal delivery note (2 Nos.)

Ex. P17 — 08-08-2016 Photocopy of the application filed by the petitioner in the RTI Act to the Labour Officer (Enforcement).

Ex. P18 — 20-10-2016 Photocopy of the letter written by the Senior Personal Manager of Mahatma Gandhi Medical Institute and Research Institute in the letter pad of Sri Balaji Vidyapeeth.

Ex. P19 — 28-10-2016 Photocopy of the Representation to the Conciliation Officer by the petitioner for the letter given in the letter pad of Sri Balaji Vidyapeeth.

Ex. P20 — 09-11-2016 Original letter written by the Senior Personal Manager of Mahatma Gandhi Medical Institute and Research Institute in the letter pad of Sri Balaji Vidyapeeth.

Ex. P21 — 18-11-2016 Original Reply letter given to the Conciliation Officer by the petitioner for the letter given in the letter pad of Sri Balaji Vidyapeeth.

- Ex. P22 — 08-12-2016 Original letter written by the Senior Personal Manager of Mahatma Gandhi Medical Institute and Research Institute in the letter pad of Sri Balaji Vidyapeeth.
- Ex. P23 — 12-12-2016 Original letter given to the Personal Manager of the Respondent by the Petitioner.
- Ex. P24 — 24-01-2017 Original letter written by the Senior Personal manager of Mahatma Gandhi Medical Institute and Research Institute in the letter pad of Sri Balaji Vidyapeeth.
- Ex. P25 — 01-02-2017 Original letter given to the Personal Manager of the Respondent by the Petitioner.
- Ex. P26 — 28-02-2017 Original letter given to the Personal Manager of the Respondent by the Petitioner with 2 postal receipts.

*List of Respondent's witnesses:*

- RW.1 — 14-11-2022 Thiru S. Balamukundan
- RW.2 — 21-10-2024 Tmt. Zaibunnesa Begum

*List of Respondent's side Exhibits:*

- Ex. R1 — 10-04-2015 Photocopy of the complaint letter sent to Officers of the various Department including the Labour Department
- Ex. R2 — — Original document of the Authorization issued by the Respondent Management to Mr. S.Balamukundan.
- Ex. R3 — 24-02-2015 Photocopy of the Complaint given by the Security Officer to the Respondent.
- Ex. R4 — 25-02-2015 Photocopy of the Show Cause Notice issued by the Respondent to Petitioner along with Postal receipt.
- Ex. R5 — 14-03-2015 Photocopy of the Second Show Cause Notice issued by the Respondent to Petitioner along with Postal receipt.

- Ex. R6 — 03-04-2015 Photocopy of the Transfer Order issued by the Respondent to Petitioner.
- Ex. R7 — 20-10-2016 Photocopy of the Letter addressed by the Respondent to Labour Officer Conciliation.
- Ex. R8 — 09-11-2016 Photocopy of the Letter addressed by the Respondent to Labour Officer Conciliation.
- Ex. R9 — 12-12-2007 Photocopy of the personal details and declaration form submitted by Petitioner to Respondent containing the postal address of Petitioner to which the Show cause notice was sent. (4 Nos.)
- Ex. R10 — 25-02-2015 Photocopy of the Show cause notice sent to Petitioner and its returned postal cover.
- Ex. R11 — 14-03-2015 Photocopy of the another Show cause notice sent to Petitioner and its returned postal cover with postal track consignment.
- Ex. R12 — 20-01-2016 Photocopy of the letter sent by Respondent to Petitioner intimating him to report to duty and its AD Card.
- Ex. R13 — — Photocopy of the details of Subsistence Allowance paid by the Respondent to Petitioner (10 Nos.).
- Ex. R14 — 24-01-2017 Photocopy of the letter sent by Respondent to Petitioner informing him that his services shall be treated to have been abandoned in view of his failure to report to duty and its AD Card.

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

GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT

(G.O. Rt. No. 21/AIL/Lab./S/2026,  
Puducherry, dated 23rd February 2026)

NOTIFICATION

Whereas, an Award in I.D (L) No. 26/2023, dated 29-09-2025 of the Labour Court, Puducherry, in respect of the Dispute between M/s. Lakshmana Managalakshmi Thirumana Nilayam, Puducherry, represented by Thiru A. Amaranathan and Thiru S. Ananda Padmanaban, over reinstatement along with 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.

Monday, the 29th day of September 2025.

**I.D. (L) No. 26/2023**  
**CNR. No. PYPY06-000089-2023**

Thiru S. Ananda Padmanaban,  
No. 2, II Cross,  
Virumban Koil Street,  
Kakayanthoppu Pet,  
Ariyankuppam,  
Puducherry-605 007 . . . Petitioner

*Vs.*

M/s. Lakshmana Mangalakshmi  
Thirumana Nilayam,  
Represented by Thiru A. Amaranathan,  
No. 54, Samundeswari Amman Koil Street,  
Orleanpet,  
Puducherry-605 005. . . Respondent

This industrial dispute coming before me for hearing in the presence of Thiruvalargal Mithun Chakravarthy and Manikanda Perumal, Counsels for the Petitioner and

Thiruvalargal L. Sathish, S. Velmurugan, E. Karthik, S. Sudarsanan, E. Madhivanan and Ritula Nizam, having agreed to settle the matter before mediation and thereby the case being settled under Joint compromise memo filed by the parties, an Award is passed accordingly:

AWARD

This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 65/Lab./AIL/T/2023, dated 31-07-2023 of the Labour Department, Puducherry, to resolve the following dispute between the petitioner and the respondent, *viz.*,-

(a) Whether the dispute raised by the petitioner Thiru S. Ananda Padmanaban against the management of M/s. Lakshmana Mangalakshmi Thirumana Nilayam, Orleanpet, Puducherry represented by Thiru A. Amaranadhan, over reinstatement along with other attendant benefits is justified or not? If justified, to give appropriate direction?

(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 claim petition is as follows:*

That the petitioner was employed in the respondent establishment under the ownership of Thiru Lakshmana Naicker from the year 1994 as Electrical Maintenance-cum-Officer-in-Charge and his salary was fixed as ₹ 700 per month. Thereafter, he drawn salary of ₹ 5,000 per month till July 2012 and after death of Thiru Lakshmana Naicker, the petitioner worked in the Mandapam continuously and was paid the sum of ₹ 7,000 per month. During the month of November 2020, the present owner Thiru Amaranadhan had informed the petitioner that his services was no longer need and he was terminated for no reason without any proper notice. Thereafter, the petitioner came to know that the present owner Thiru Amaranathan had given the Kalyana Mandapam to "Chennai Silk House" for Godown purpose and receiving a sum of ₹ 1,50,000 as monthly rent and also received the sum of ₹ 5,00,000 as advance. Hence, the petitioner approached the respondent management for reemployment with salary of ₹ 7,000 and for any kind of job but, the management gave evasive replies and shouted with him with filthy languages and threatened him with dire consequences. Then the petitioner approached the Conciliation Officer, Labour Department, Puducherry and requested to instruct the respondent management to reinstate the petitioner into service or provide any alternative employment along with other attendant benefits. That the management submitted the reply stating that

“Thiru Amaranathan is not owner of the respondent Kalyana Mandapam, he is only care taker on behalf of his daughters to whom the said property was settled by Thiru Lakshmana Naicker”, “he was the care taker from July 2012, *i.e.*, after the death of Thiru Lakshmana Naicker and the petitioner stayed in the Kalyana Mandapam on days when there were functions in the Mandapam and Thiru Lakshmana Naicker never employed any workers or staff on regular basis. Hence, there was no scope or even necessity for retaining permanent staff in the Mandapam”. However, Thiru V.Lakshmana Naicker issued the experience certificate to the petitioner on 20-11-2002 and 18-12-2002. Furthermore, the respondent management also informed before the Conciliation Officer that “the petitioner had never been worked as an electrical maintenance person or an office in-charge and he was actually a freelancer with no regular employment and do any kind of job as may be offered to him by any one for a day’s wages. However, the petitioner was given monthly salary and there is attendance register to be signed by the petitioner.

(ii) Since, 24-03-2020, the Kalyana Mandapam had to be shut down completely due to lockdown restrictions and no source of income, therefore, respondent had rented out the premises to Chennai Silks for a Godown and they have taken over full control of the said premises. That during the course of conciliation proceedings the petitioner requested for reinstatement along with other attendant benefits. That the petitioner raised this industrial dispute before this Court to declare the non-employment of the petitioner by the respondent management is illegal and unfair labour practice and to reinstate the petitioner into service with continuity of service, full back wages and all other attendant benefits or provide the alternative employment in the respondent’s sister concern. Hence, the petition.

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

That Lakshmana Mangalakshmi Thirumana Nilayam was originally owned by the respondent’s father-in-law Mr.Lakshmana Naicker but, it was never owned or run by Mr. Amaranathan as is being projected by the Petitioner. He was only a care taker of a Mandapam on behalf of his daughters to whom the said property was settled by Mr.Lakshmana Naicker under settlement deed, dated 08-10-2009. That as care taker of Kalyanamandapam he would personally remain in Mandapam on days when there were functions in the Mandapam. Mr.Lakshmana Naicker never employed any workers or staffs on a regular

basis, much less on permanent basis in Kalyana Mandapam. It was primarily used for small functions, hence, there was no scope or even necessity for retaining permanent staffs in the Mandapam. That there was never a case of engagement of any staffs permanently. That Petitioner had never worked as an electrical maintenance person or an office in-charge. Petitioner appears to have manipulated or forged certain records as certificate of experience, taking advantage of the fact that Mr. Lakshmana Naicker is not alive. Petitioner was never a permanent or even a temporary employee. He was actually a freelancer with no regular employment. Petitioner would do any kind of job in the locality as may be offered to him by any one for a day’s wages. It was never a continuous or a regular employment. He has never worked with the respondent continuously for more than 240 days in an year. Respondent never gave any monthly wages to Petitioner at any point of time. Hence, there was never a necessity for Respondent to terminate the service of petitioner. That the claim petition is devoid of merits, lacks *bona fide*. Therefore, it is prayed to dismiss the claim petition.

4. *Point for determination:*

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

5. *On point:*

Case settled before mediation. Joint compromise memo filed by both parties before mediation. Joint compromise memo is recorded. In the result, this case is disposed in terms of Joint compromise memo filed by both parties before mediation. The Joint compromise memo and Settlement Agreement shall form part and parcel of the Award.

Written and pronounced by me in the open Court, on this the 29th day of September 2025.

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

*List of petitioner’s witnesses :* NIL

*List of petitioner’s exhibits :* NIL

*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  
LABOUR DEPARTMENT

(G.O. Rt. No. 22/AIL/Lab./S/2026,  
Puducherry, dated 23rd February 2026)

NOTIFICATION

Whereas, an Award in I.D (L) No. 04/2024, dated 02-09-2025 of the Labour Court, Puducherry, in respect of the Dispute between M/s. Aeon Formulations Private Limited, Puducherry and Pudhiya Jananayaga Thozhilalar Munnani, over non-employment of Thiru T.Karthik 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.

Tuesday, the 02nd day of September 2025.

**I.D. (L) No. 04/2024**  
**CNR. No. PYPY06-000011-2024**

The Secretary,  
Pudhiya Jananayaga Thozhilalar Munnani,  
No. 2, Mariamman Koil Street,  
K.Andiyarpalayam,  
Kengarampalayam Post,  
Puducherry-605 107. . . Petitioner

Vs.

The Managing Director,  
M/s. Aeon Formulations Pvt. Ltd.,  
R.S.Nos. 515/1, 515/2 and 514,  
No. 152/7, Vinayagar Koil Street,  
Thirubuvanaipalayam,  
Puducherry-605 107. . . Respondent

This industrial dispute came up for hearing, no representation on Petitioner side, in the presence of Thiru G. Iyanar, Counsel for the Respondent, upon perusing the records, this Court passed the following:

AWARD

This Industrial Dispute arises out of the reference made by the Government of Puducherry vide G.O. Rt. No. 107/Lab./AIL/T/2023, dated 05-12-2023 of the Labour Department, Puducherry to resolve the following dispute between the petitioner and the respondent, viz.,-

(a) Whether the dispute raised by the petitioner's Union Pudhiya Jananayaga Thozhilalar Munnani against the management of M/s. Aeon Formulations Pvt. Ltd., Thirubuvanaipalayam, Puducherry, over non-employment of Thiru T. Karthik and other attendant benefits is justified or not? If justified, give appropriate directions?

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

2. No representation on petitioner side. The records reveals that as there was no representation on petitioner Union side, this Court has ordered to address a letter to Labour Officer (Conciliation) to furnish the address of the workman and subsequently on 10-03-2025 the workman concerned in this case had appeared and requested time for engaging a Counsel and on 02-04-2025 one Counsel had undertook to file vakalath for workman but however, thereafter onwards there is no any representation on petitioner side. Hence, this Court on recording the same is inclined to close this reference.

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

Written and pronounced by me in open Court, on this 02nd day of September 2025.

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

GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT

(G.O. Rt. No. 23/AIL/Lab./S/2026,  
Puducherry, dated 23rd February 2026)

NOTIFICATION

Whereas, an Award in I.D (T) No.48/2022, dated 05-11-2025 of the Industrial Tribunal, Puducherry, in the respect of a dispute between the Puducherry Kooturavu Noorpu Aalai Desiya Thozhilalar Sangam, Puducherry against the management of M/s. The Puducherry Co-operative Spinning Mills Limited, Puducherry, over payment of bonus for the year 2020-21 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 05th day of November 2025.*

**I.D. (T). No. 48/2022**  
**CNR. No. PYPY06-000118-2022**

The Secretary, Puducherry Kooturavu  
Noorpu Aalai Desiya Thozhilalar Sangam,  
Kandamangalam Road,  
Thiruvandarkoil Post,  
Thirubuvanai,  
Puducherry-605 102. . . Petitioner

*Vs.*

The Managing Director,  
M/s. The Puducherry Co-operative  
Spinning Mills Ltd.,  
P.396 (SPINCO),  
Thirubuvanai,  
Puducherry . . . Respondent

This industrial dispute came up for hearing, Thiruvallargal M. Nakeeran, L. Sai Raja Chandran, N. Manjini, A. Prabakaran and P. Umamaheswari, Counsels for the Petitioner and Thiruvallargal M. Govindha Thirunavukarasu, D. Reena Iswariya, K. Vimala, B. Amutha Sowmiya, D. Banumathi, B. Kirthiga Seethalakshmi, I. Radjy Kavidhasane and R. Ramkumar, Counsels for the Respondent. No representation made on behalf of both sides, upon perusing the records, this Court passed the following:

**AWARD**

This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 181/Lab./AIL/T/2022, dated 20-12-2022 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's Union Puducherry Kooturavu Noorpalai Desiya Thozhilalar Sangam against the management of M/s. Puducherry Co-operative Spinning Mills Ltd., P. 396 (SPINCO), Puducherry, over payment of bonus for the year 2020-21 is legal and justified? If justified to give appropriate direction?

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

*2. The brief averments set forth in the Claim Statement filed by the petitioner is as follows:*

That most of the members of the petitioner Union are working under the respondent for more than 25 years and are entitled to receive bonus each year. While so, the respondent failed to pay the bonus from 2017 and as the concerned Minister and the Government assured the payment, the petitioners were awaiting favourable action for payment of bonus from the year 2017. However, when the respondent failed to honour the announcement of the Government of Puducherry for payment of bonus for the year 2020-2021 to the employees, the petitioner approached the Labour Officer (Conciliation) raising the dispute on the failure of the respondent in paying the bonus for 2020-2021. That after many attempts for Conciliation, the Labour Officer (Conciliation) gave a failure report on 06-10-2022 and therefore, the dispute was referred to this Tribunal. That the respondent contended that Mill is under severe financial crisis with extended loss for many years and that therefore they are unable to make bonus payment and made proposal to Government seeking financial assistance for payment of bonus, which is awaited. That the respondent is bound to pay the bonus within eight months from the close of the accounting year. The higher Courts have held that the mandate to pay bonus, irrespective of profit and loss, is not unreasonable. That there is no agreement or settlement between the petitioner and the respondent in respect of payment of bonus and the payment of bonus is not linked with production or productivity in the respondent Mills. Hence, it is prayed to pay bonus to the employees of the petitioner Union for the year 2020-2021 with interest at the rate of 12 per cent per annum from the date of the expiry of the period of eight months. Hence, the petition.

*3. The brief averments set forth in the Counter Statement filed by the respondent is as follows:*

That the respondent management M/s. Puducherry Co-operative Spinning Mills Ltd. No. P.396 was established in the year 1979 and the Mill underwent expansion activity during the year 1995. At present,

the Mill is running under conversion method. That the income generated through this system is not sufficient even to meet out the salary and wages to the employees, payment of Gratuity, EPF, ESI, Electricity charges and maintenance expense, etc., That due to financial crisis, the Mill was unable to pay gratuity dues to the tune of ₹ 18,55,70,000 and to pay the cotton suppliers the dues of ₹ 2,53,59,000 and was also unable to make regular payment of wages and salary. That the salaries and wages were not paid from the month of October 2019 to March 2020 for want of funds and the mill has sustained heavy accumulated loss of ₹ 157.46 crores as on 31-03-2021. That in order to provide continuous employment to the employees, the Mill is forced to go for conversion method of production wherein only conversion charge is generated as income or otherwise the Mill is supposed to be closed. That there is a shortfall in generating own resource of income and it is not possible to meet out the essential expenses such as payment of gratuity and other outstanding dues. That due to pandemic COVID-19, the Mill was closed from 23-03-2020 to 22-10-2020. That still the Mill could not generate sufficient income on account of COVID-19 and hence, the Mill was unable to disburse the wages to workers in time and Mill has no other source of income. That under these circumstance the Mill is unable to make bonus payments from the year 2020-2021 and has submitted proposal to Government seeking financial assistance for payment of bonus *vide* letter, dated 30-10-2021. That Financial assistance is awaited from the Government and action would be taken to disburse bonus soon after receipt of assistance from the Government. That during the year 2020 due to COVID-19, the Respondent Mill was closed and the total working days was only 151 days. That due to the said Covid situation, the Casual Leave eligibility of 240 working days was reduced to 99 days since the Mill was closed and hence, 7 days Casual Leave credited to the workers and as usual Earned leave for 151 days worked, workers are credited with 8 days Earned Leave. Thus, since the workers of the Trade Union in the Respondent Mill demanded to provide Casual Leave and Earned Leave inspite of the Mill being closed due to Covid-19 the Management decided to provide Casual Leave and Earned Leave on *pro rata* basis taking into account of the welfare of the employees. That as per directions of the Government as per G.O. Ms. No. 03/2020 was closed during COVID-19 period, and the Mill has not received any relief from the Government for the said period from 23-03-2020 to 23-10-2020 due to the COVID-19. Hence, only after receipt of appropriate relief or compensatory funds from the Government

Casual Leave and Earned Leave for the workers can be considered. That the Government Order and the matter is still pending since no decision is arrived for the period of Covid-19 with regard to the payment of wages, leave was proportionately reduced. Hence, any decision can be taken by the Respondent only with due consultation and approval from the Government. That it is not covered under the Industrial Disputes Act or could not be considered as Lay Off. That the Puducherry Kooturavu Noorpalai Desiya Thozhilalar Sangam has demanded 16 days C L for the year 2021, even though the Mill was working for 151 days only stating that they had availed 16 days C L during 2013 when the Mill was functioning only 7 months in 2012 without any reduction in CL. Hence, the petition is liable to be dismissed.

4. No representation on both sides, this case is pending for enquiry from 11-01-2024 onwards for enquiry without any progress. In spite of posting, this case for enquiry as last chance, neither the petitioner association nor the Counsel for the petitioner are present. Hence, this Court is inclined to dismiss this case for non prosecution.

In the result this industrial dispute is dismissed for non-prosecution. No costs.

Written and pronounced by me in the open Court, on this the 05th day of November 2025.

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

**GOVERNMENT OF PUDUCHERRY  
DEPARTMENT OF PERSONNEL AND  
ADMINISTRATIVE REFORMS (PERSONNEL WING)**

[G.O. Ms. No. 29/DP&AR-SS.II(1),  
Puducherry, dated 31st March 2026]

**NOTIFICATION**

The notice of voluntary retirement given under rule 48(A) of CCS (Pension) Rules, 1972 by Tmt. A. Kalpana, Superintendent, Cables and TTC Division, Electricity Department, Puducherry is accepted.

2. Accordingly, she shall retire from service with effect from the afternoon of 31-03-2026.

(By order)

**S. MURUGESAN,**  
Under Secretary to Government (Personnel).