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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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No.		Poudouchéry	Mardi	10	Mars	2026 (19 Phalguna 1947)
No.		Puducherry	Tuesday	10th	March	2026

பொருளடக்கம்

SOMMAIRES

CONTENTS

	பக்கம்		Page		Page
ஒருசில நிலப்பகுதிகளை கையகப்படுத்துதல்	.. 722	Acquisition de certain terrains	.. 722	Acquisition of certain lands	.. 722
தொழில் நீதிமன்றத் தீர்ப்புகள்..	723	Sentence arbitral du travail de tribunal	.. 723	Award of the Labour Court	.. 723
அரசு அறிவிக்கைகள்	.. 735	Notifications du Gouvernement	.. 735	Government Notifications	.. 735
சாற்றறிக்கைகள்	.. 737	Annonces	.. 737	Announcements	.. 737

SC/ST/OEBC people". Therefore, declaration is made that a piece of land measuring, to an extent of 00.42.06 H.A.C., at 52 - Ariyur Revenue Village, Villianur Taluk, Puducherry District, whose detailed description is as following is acquired for the said purpose:-

I - Land

Revenue Village : 52 - Ariyur

Taluk : Villianur

Sl. No.	Re-survey No.	Type of title	Type of land	Area under acquisition (in hectare)	Name and address of person interested	Boundaries			
						North	East	West	South
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
				H. A. Ca.	Thiru :				
1	100/3B	Patta	Ryotwari Dry	00 42 06	M. Dhananjeyan, S/o. Munisamy Coundar, Ananthapuram Road, Ariyur.	100/34	100/89	100/2 100/4 100/3A	100/5
				Total	00 42 06				

II - Trees/Structures

No trees and structures on the land.

This declaration is made after hearing the objections of persons interested and due enquiry as provided under section 15 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

There are no inhabitants on the land under acquisition. There is no displacement of family or loss of livelihood arises. Hence, Rehabilitation and Resettlement Scheme does not arise.

A plan of the land may be inspected in the Office of the Sub-Collector (Revenue) South-cum-Land Acquisition Officer, Villianur on any working day during office hours.

(By order of the Lieutenant-Governor)

KULOTHUNGAN. A, I.A.S.,
Special Secretary to Government (Revenue).

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 08/AIL/Lab./S/2026,
Puducherry, dated 12th February 2026)

NOTIFICATION

Whereas, an Award in I.D (L) No. 19/2016, dated 31-10-2025 of the Labour Court, Puducherry, in respect of a Dispute between M/s. Shree Mother Plast India Private Limited, Puducherry and Thiru E.K. Shankar, over non-employment 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.

Friday, the 31st day of October 2025.

**I.D. (L). No. 19/2016
CNR. No. PYPY06-000009-2016**

Thiru E.K.Shankar,
No. 89, 2nd Cross Street,
V.V.Nagar,
Kalitherthalkuppam,
Madagadipet Post,
Puducherry-605 107.

. . Petitioner

Versus

The Managing Director,
M/s. Shree Mother Plast
India Private Limited,
Plt. Nos. A43 to A48,
Electronic Park, PIPDIC,
Thirubhuvanai,
Puducherry-605 107.

. . Respondent

This Industrial Dispute coming before me for hearing in the presence of Thiruvalargal S. Parthasarathi and K. Benakash, Counsels for the Petitioner and Thiru S. Balaji, Counsel for Respondent, 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. 94/AIL/Lab./T/2016, dated 22-09-2016 of the Labour Department, Puducherry to resolve the following dispute between the petitioner and the respondent, *viz.*,-

(a) Whether the dispute raised by Thiru E.K. Shankar against the management of M/s. Shree Mother Plast India Private Limited, Puducherry over non employment is 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. The brief averments set forth in the Claim Statement filed by the petitioner is as follows:

The petitioner was appointed in the year 1999 in the respondent establishment. Even since he has been continuously working for the past 15 years and above, as such he is a workman and he is Union Leader of the M/s. Shree Mother Plast India Private Limited in Union Regn. No. 1690/RTU/2012, Puducherry.

There are several employees who were working in the respondent's company. That on 23-01-2012, the petitioner was issued a charge-sheet and an independent enquiry was conducted by the Enquiry Officer by alleging that the petitioner and co-worker one Thiru P.R.Palaniappan were assaulted Mr. Kamaraj and they were ripped off by them using filthy languages and the respondent's company issued show cause notice for his delinquency. The respondent's company has issued memo to all the first shift workers and to all second shift workers and it was returned by them and thereby the management took action against all the operators for returning the memo issued to them. It is alleged that on 13-01-2012, at 1.45 p.m. the first shift Manager has issued memo to all the operators of the respondent's company for not produce the Production Hourly report and they did not furnish any report. Further, it is charged that second shift operators Mr. Palaniappan and Mr. E.K. Shankar abused the plant head with filthy words and they made attempt to attack him and Mr. Kamaraj tried to rescue the plant head and he was reprimanded and pushed down by the petitioner and his co-worker Mr. Palaniappan but, it is stated in the evidence of MW3 that when he endeavored to escape the petitioner and his co-worker Mr. Palaniappan has ripped off the shirt of Mr. Kamaraj. There was no chances for the alleged act which was stated in the charge-sheet against the petitioner, when the second shift was running on 20-01-2012 and the above charges are baseless. The petitioner has submitted his explanation, dated 21-01-2012 and the respondent has not furnished any documents for the alleged charges and the act of the respondent is against the natural justice. The respondent was having ulterior motive in taking disciplinary action against the petitioner. The respondent has not conducted any enquiry properly for the alleged charges against the petitioner and other workman and the domestic enquiry has been initiated against the petitioner is not maintainable. Moreover, there was no preliminary enquiry conducted regarding the incident. It is against the natural principles of justice for the alleged domestic enquiry which was conducted on 04-02-2012 onwards. Disciplinary Proceeding Officer Mr. S. Subramanian ought to have been appointed the Enquiry Officer for conducting domestic enquiry regarding the incident and the activities of the enquiry officer are as against the principles of inquiry procedure. In the enquiry proceedings, the petitioner has submitted his explanation, letters, and their objections and the documents, but the respondent's Enquiry Officer has not taken into the consideration and the Enquiry

Officer acted infavour of the respondent management. Further the respondent has not considered the document Ex.M3 of the letter by the Assistant Protection Officer and does not referred with the original letter. The respondent has not produced any material object ripped shirt which was involved in the alleged assault committed by the petitioner and his co-worker and the document Ex.M4 photographs are produced during the enquiry proceedings which are not acceptable one. The respondent was having ulterior motive in taking action against the petitioner and does not provide any subsistence Allowance for the suspension period since, 21-01-2012, and they have caused irreparable hardship to the petitioner. The activities of the respondent are against the natural justice. The petitioner is entitling to reinstate with full back wages, continuity of service, and all other attendant benefits. The denial of employment to the petitioner without any reasonable cause and the act of the respondent is arbitrary, illegal and clear act of violation of principles of natural justice. In view of the above reasons stated the petitioner is entitled for reinstatement, backwages and subsistence allowances for the suspension period and other benefits.

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

The Petitioner has filed his claim Statement with false allegations against the Respondent and the allegations so imputed are put to strict proof. That the Petitioner was a workman in the Respondent factory and on 13-01-2012 at 1.45p.m., first shift supervisor Mr. Kamaraj issued memo to all the operators of the company for the reason of not producing "Production Hourly Report" at first shift. After gone through the memo, the operators had refused to sign on the memo and returned it back and when they were asked for the reason, they did not furnish any proper reason. Subsequently, when plant head Mr. Thiruvassagam finished his lunch and just passed by that way, all the operators shouted and rushed to him. At that juncture, second shift operators Mr. Palaniyappan and Mr. E.K. Shankar (herein called the petition) abused the plant head with filthy languages and made an attempt to attack him as well. Consequently, Mr. Kamaraj tried to rescue the plant head, but, he was also reprimanded and pushed down by the petitioner and his co-workman Mr. Palaniyappan and the situation was finally pacified by the other staffs of the Respondent Company. That the petitioner was issued a show cause notice-cum-Suspension Order, dated 20-01-2012 for his abovesaid acts, for which the

petitioner submitted his explanation, dated 21-01-2012. Since, the explanation given by the petitioner was not satisfied, he was issued a charge-sheet, dated 23-01-2012 and an Independent Enquiry Officer was appointed. The Enquiry Officer conducted her enquiry by giving due opportunities to the petitioner and submitted her report, dated 25-04-2014. Since, the charges levelled against the petitioner were stated to have been proved by the enquiry officer in her enquiry report, dated 25-04-2014, a second show cause notice, dated 12-05-2014 was issued communicating the proposed punishment. The petitioner gave his explanation, dated 25-04-2014. As far as the petitioner is concerned he did not come forward neither to accept innocent and submitted only an evasive reply and the enquiry proceedings without any documentary evidence in support of his allegations. Since, the misconducts committed by the petitioner were serious and grievous in nature his services were terminated. Therefore, the contention of the petitioner are fictitious and an afterthought and trying to mislead this Hon'ble Court by giving fictitious and false allegations against this respondent. The said incident happened around 1.45 p.m. whereas, the first shift ends and the second shift starts at 2.00 p.m. and so the petitioner who had come to proceed his second shift duty was obviously presented on the spot. Subsequently, a group of employees headed by the petitioner and his co-worker Mr. Palaniyappan abused with filthy languages and rushed to the plant head Mr. Thiruvassagam to attack him, and seeing this, Mr. Kamaraj tried to stop the employees in order to rescue the plant head. At that point of time, the petitioner and his co-workers Mr. Palaniyappan, Mr. Kamaraj and when he endeavored to escape from them, his shirt was ripped off by them and then situation was appeased by the other staff of the Respondent company and thus, he was issued a show cause notice for his delinquency.

(ii) Right from the beginning, the respondent herein was having a healthy practice of recognizing the Union activities and negotiating the issues with the Union and entered into various settlements from time to time. It was having strong faith in collective bargaining mechanism and there is no necessity for using any third grade methods to deprive the rights of the workmen in general and the petitioner in particular. When the negotiation for wage settlement was going on, the members were trying to put indirect pressure of reducing the production and the petitioner herein was instrumental for such unruly behaviours. Therefore, contentions of the petitioner that the respondent was having ulterior motive in

taking disciplinary action to deprive the rights of the workman is absolutely false. As far as the respondent was concerned, it has not taken any action against the workmen, who have refused to receive the memos for obvious reason that, it will instigate a tense situation inside the factory as the workers were large in number and action was instigated only against two workers who went to the extent of abusing, assaulting and manhandling the supervisor. Therefore, contentions of the petitioner that no action was taken against the other workman does not have any relevance as far as his case is concerned. Whatever may be the grievances the petitioner should have approached the respondent management and negotiated the issue. If, there were any contraventions, he was having every right to seek a legal remedy through an appropriate forum. However the petitioner was not only interfered into the managerial decisions but also instigated violence in the factory. The petitioner was not supposed to take the law in his own hand with an ulterior motive of disturbing the industrial peace and harmony inside the premises of the shop floor. Moreover, the petitioner used filthy languages against the management and the managerial staffs, which is not permissible at any point of time. The petitioner instead of proving himself that he has not involved in such unlawful acts, now trying to conceal all his misdemeanors with the veil of enquiry proceedings. The petitioner was issued a detailed charge-sheet-cum-suspension order and the suspension was executed for evading further rebellious behaviour of the charge-sheet-cum-suspension order was issued to the petitioner's co-worker Mr. Palaniyappan as well, who had been accompanied with the petitioner in leading the said transgression. In that case, Domestic enquiry has been initiated nevertheless, during the enquiry, Mr. Palaniyappan has voluntarily approached requested to close the enquiry proceedings. Considering his request, the respondent had withdrawn the enquiry and conferred his settlement as the wished. Therefore, the disciplinary action taken by the respondent against the petitioner neither retributive nor isolated. The enquiry was conducted by giving due opportunities under the principles of Natural Justice and the findings were submitted based on the various oral and documentary evidences. The petitioner was also given good opportunities to examine and cross-examine the witnesses and permitted to produce the documents. Therefore, the petitioner's contentions are after thought to safeguard his position. Even there are cases, decided by the Apex Court that the enquiry conducted by the legal advisor of the

company is permissible, unless there were no bias is established. In this case also the same analogy is applicable and the contention of the petitioner in para 9 to 10 is not maintainable. That, the Enquiry Officer who has conducted the enquiry initially, was unable to continue the enquiry due to some personal reasons, so, the enquiry was postponed for few months, after that, another person was appointed for that purpose and it was duly informed to the delinquent through a letter, dated 01-08-2013. Ever since all the legal procedures and formalities are being followed, the respondent does not have any intention to deny the legal rights of the petitioner and the enquiry was conducted within the parameter of Law. In fact the petitioner indulged in such unlawful acts of coercing the other workmen even in previous occasions and was issued with show cause notices on 16-05-2007 and 03-06-2010. Therefore, the petitioner is a continuous offender and every acts committed by him is unlawful acts and not in the order of a workman. Therefore, the action of the respondent is well within the parameter of law.

(iii) As far as the domestic enquiry is concerned, it is not an enquiry to be conducted strictly in accordance with the civil or criminal laws; it is purely a procedural law, being conducted to find out the facts of the misconduct by giving due opportunities under the principles of natural justice. Therefore, the contentions that the respondent did not conduct any preliminary enquiry, produced list of witnesses, material evidence Act, are not applicable as claimed by the petitioner. Since, the charges levelled against the petitioner were proved, the respondent taken consideration of various facts and situations and taken action in the interest of industry and the workmen employed therein as a whole. Therefore, there was no bias or vested interest in taking action against petitioner and denies all the averments of the petitioner and consider those contentions as a blanket to cover up the grievous misconducts committed by him in to. That the action initiated against the petitioner is only for the grievous misconducts committed by him and there were no *mala fide* intentions as contended by the petitioner in his claim petition. The punishment imputed against the petitioner is in proportion to the misconducts committed by him. That the petitioner is not entitled for any reinstatement, back wages or any other pecuniary benefits whatsoever and this Court may be pleased to dismiss the petition as devoid of merits and for costs of the petition.

4. *Points for determination:*

1. Whether the industrial dispute raised by the petitioner as against the respondent, over non-employment is justified or not?

2. Whether the Principles of natural justice have been followed during the domestic enquiry?

3. Whether the punishment imposed upon the petitioner is in proportion to the misconducts alleged against him?

4. Whether the petitioner is entitled for the relief of reinstatement with back wages and all other consequential benefits?

5. To what other relief the petitioner is entitled for?

5. On the side of the petitioner PW1 was examined and Exs.P1 to P11 were marked and on the side of the Respondent, RW1 was examined and Exs.R1 to R18 were marked. Both sides filed written arguments.

6. *On Point No's. 1 to 5:*

This Court on the perusal of case records finds that the petitioner herein who was working in the respondent company was suspended from service with effect from 21-01-2012 as per show cause notice-cum-suspension order, dated 20-01-2012 and thereafter on completion of domestic enquiry proceedings the petitioner was terminated from service as per termination order, dated 11-10-2014. The records further reveals that the petitioner had challenged the said termination order by way of raising Industrial Dispute in ID (L).No. 19/2016 and in the said case an award was passed on 10-04-2019 by directing the respondent herein to reinstate the petitioner in the respondent company within a month and further directed to pay back wages from the date of suspension within one month from the date of the Award.

7. The records further reveals that thereafter the respondent management herein had challenged the Award passed in ID(L).No.19/2016, dated 10-04-2019 by way of Writ Petition before the Hon'ble High Court in W.P.No. 18908/2019 and the Hon'ble High Court on 01-04-2024 in W.P.No.18908/2019 has passed the following order:

9. In view of the above, as rightly submitted by learned Counsel for the petitioner as well as Counsel for the respondent the impugned order passed by the Labour Court is not clear, on any aspect which are required to be proved before the Labour Court. Thereby it is a fit case to set aside the impugned order and remand the case back to the same Court with a direction to make fresh enquiry in all aspects, and give clear findings.

11. In the result, this Writ Petition stands disposed off. The impugned order passed in ID(L).No. 19 of 2016, dated 10-04-2019, is set aside, the matter is remanded back to the Labour Court, Pondicherry and is directed to give fresh finding on the basis of evidence already recorded, and give a clear finding on all aspect of termination of the workman by the management.

8. The records reveals that the copy of the order passed in W.P.No. 18908/2019 was received by this Court on 04-02-2025 and thereafter the Court notices were issued to both parties and later on fresh arguments were heard on both sides. It is in the said backdrops the present case has been taken up for fresh disposal by complying the direction given in W.P.No. 18908 of 2019, dated 01-04-2024.

9. In this case, it is the contention of the petitioner that the petitioner had been working in the respondent company for 15 years and further he had been the President of Shree Mother Plast Employees Trade Union and all the permanent employees were members of the said Trade Union and while so, during the year 2011 to 2014 when there were settlement talks for wage revision and production incentives, the respondent management as a retaliation measure intended to terminate the petitioner from service and thereby had issued show cause notice-cum-suspension order, dated 20-01-2012 and later terminated the petitioner from service on 11-10-2014. It is the specific contention of the petitioner that during domestic enquiry, the Enquiry Officer has not *ad hered* to the principles of natural justice and thereby there was no any fair and proper enquiry.

10. The petitioner has put forth the following points to substantiate that there was no any fair and proper enquiry:

(i) That along with charge-sheet the documents pertaining to the accusation was not furnished to the petitioner.

(ii) The disciplinary authority himself acted as management representative during the domestic enquiry proceedings and objection raised in this regard was not considered by the Enquiry Officer.

(iii) The petitioner was not furnished with in time and out time register.

(iv) The security officer who is said to have been present during the time of alleged incident was not produced for the purpose of examination by the petitioner.

(v) When it is the case of the respondent that the security officer was available at the time of incident then in such case the security officer would have entered in his general diary and therefore, when the petitioner sought for the General Diary Report the respondent failed to produce those document.

(vi) When it is the allegation of the respondent that the petitioner along with his co-worker namely, V.R.Palaniyappan had abused the plant head and supervisor using filthy language and pulled the supervisor and manhandled him by tearing his shirt then in such case the said torn shirt ought to have been produced during enquiry but, no such cloth was not produced and the management had produced only two photographs and marked them as Ex.M4.

(vii) The Enquiry Officer did not compare the copies of documents produced by the management with the originals.

(viii) The Enquiry Officer wantonly rejected the evidence of DW1 to DW4 and accepted the evidences let in by the witness of management.

(ix) Subsistence allowance not paid in time during the suspension period.

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

1. (1973) 1 Supreme Court Cases 813 . . Appellants
The Workmen of M/s. Firestone
Tyre and Rubber Co. of India
(Pvt.) Ltd.

Versus

The Management and Others . . Respondent

2. (2000) 7 Supreme Court Cases 90: 2000 Supreme Court Cases (L&S) 825 : 2000 SCC Online SC 1201

A. Service Law – Departmental enquiry – Natural justice – Reasonable opportunity – Non-payment of subsistence allowance to delinquent suspended employee – if amounts to denial of reasonable opportunity – Suspended Sub-Inspector of Police undergoing medical treatment at Kanpur transferred to Gorakhpur to face departmental enquiry - After departmental enquiry and show-cause notice, removed from service – No subsistence allowance paid to him during the entire one year and eight months' long period of suspension and, therefore, he remaining unable to participate in the departmental enquiry even if he was to participate against medical advice – In such circumstances, held, there was denial of reasonable opportunity vitiating the departmental enquiry and the order of removal –

Administrative Law – Natural justice – Hearing – Reasonable opportunity – Failure to give subsistence allowance to employee facing enquiry* – Removal from service – Validity

B. Service Law – Suspension – Payment of subsistence allowance – Nature of – Held, is a right and not a bounty.

3. (2018) 14 Supreme Court Cases 92 : (2018) 2 Supreme Court Cases (L&S) 625 : 2018 SCC Online SC 133.

A. Service Law – Departmental enquiry - Natural justice – Non-compliance – Denial of fair opportunity to defend by denying financial resources – Respondent not paid subsistence allowance during pendency of enquiry proceedings which continued even after superannuation, and post-superannuation by invoking Regn. 20(3)(iii) of 1979 Regulations denied pension as well as retirement benefits.

– Held, employee is entitled to subsistence allowance during pendency of enquiry proceedings – If he is starved of finances by zero payment, it would not be possible for him to meaningfully participate in departmental enquiry – Access to justice is valuable right available to every person and free legal representation is provided even to criminals.

– In case of departmental enquiry, delinquent at best is guilty of misconduct but that cannot be ground to deny subsistence allowance/pension – Since respondent was starved of financial resources, he could not effectively participate in departmental enquiry - Departmental proceedings, hence, vitiated.

4. (1998) 7 Supreme Court Cases 84 C.

Service Law – Departmental Enquiry – Remission of case to disciplinary authority – When not warranted – Disciplinary enquiry against respondents declared to be vitiated on account of non-observance of principles of natural justice – Both of them had retired 14 years back and one of them dying during pendency of case before Court – Held, it would not be in the interest of justice to remand the case at this stage to disciplinary authority for proceeding afresh – Respondents' retirement benefits therefore directed to be released.

5. (1999) 7 Supreme Court Cases 739

(Before S. Saghir Ahmad and . . Appellant;
K. Venkataswami, JJ.)
Yoginath D. Badge.

Versus

State of Maharashtra and . . Respondents.
Another.

12. Whereas the respondent vehemently denied the contention of the petitioner that when the Trade Union demanded for production incentive and wage increment, the management had intentionally terminated the petitioner from service as a retaliation method and in fact the petitioner and his co-worker Mr. Palaniappan had assaulted the supervisor namely Mr. Kamaraj and ripped off his shirt and therefore a show cause notice was issued and disciplinary action was taken and the enquiry was conducted by giving due opportunities and by following the principles of natural justice and thereby there was no any bias or vested interest in taking action as against the petitioner and further the punishment imputed against the petitioner is in proportion to the misconduct committed by the petitioner. The respondent further contended that a show cause notice-cum-suspension order was issued to the one of the co-worker of the petitioner by name Mr. Palaniyappan who had accompanied with the petitioner during the said transgression and further Domestic Enquiry was also initiated but, the said Mr.Palaniyappan had voluntarily approached the respondent management and made an apology in writing for his misdemeanors and requested to close the enquiry proceedings and thereby the management considering his request had withdrawn the enquiry and conferred his settlement as per his wish and hence, the disciplinary action taken by the respondent as against the petitioner is neither retributive nor isolated one.

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

1. CDJ 2020 SC 180 – The State of Karnataka and another *Vs* N. Gangaraj.

15. The disciplinary authority agreed with the findings of the enquiry officer and had passed an order of punishment. An appeal before the State Government was also dismissed. Once the evidence has been accepted by the departmental authority, in exercise of power of judicial review, the Tribunal or the High Court could not interfere with the findings of facts recorded by re-appreciating evidence as if the Courts are the Appellate Authority. We may notice that the said judgment has not noticed larger bench judgments in S. Sree Rama Rao and B.C. Chaturvedi as mentioned above. Therefore, the orders passed by the Tribunal and the High Court suffer from patent illegality and thus, cannot be sustained in law. Accordingly, appeal is allowed and orders passed by the Tribunal and the High Court are set aside and the order of punishment imposed is restored.

2. CDJ 2008 SC 071 – Workmen of Balmadies Estates *Vs.* Management of Balmadies Estate and others

The assessment of evidence in a domestic enquiry is not required to be made by applying the same yardstick as a Civil Court could do when a lis is brought before it. The Indian Evidence Act, 1872 (in short the “Evidence Act”) is not applicable to the proceeding in a domestic enquiry so far as the domestic enquiries are concerned, though principles of fairness are to apply. It is also fairly well settled that in a domestic enquiry guilt may not be established beyond reasonable doubt and the proof of misconduct would be sufficient. In a domestic enquiry all materials which are logically probative including hearsay evidence can be acted upon provided it has a reasonable nexus and credibility.

3. CDJ 2018 SC 977 - M.L. Singala Versus Punjab National Bank and Another

49. Having perused the enquiry proceedings along with the Enquiry Report, we are of the view that no fault of any nature can be noticed in the domestic enquiry proceedings for more than one reason.

4. CDJ 1963 SC 212 - Sur Enamel and Stamping Works Pvt. Ltd. *Vs.* Their Workmen

4 It has been laid down by this Court in a series of decisions that if an industrial employee's services are terminated after a proper domestic enquires held in accordance with the rules of natural justice and the conclusions reached at the enquiry are not perverse the industrial tribunal is not entitled to consider the propriety or the correctness of the said conclusions. In a number of case which have come to this Court in recent months, we find that some employers have misunderstood the decisions of this Court to mean that the mere form of an enquiry would satisfy the requirements of industrial law and would protect the disciplinary action taken by them from challenge. This attitude is wholly misconceived. An enquiry cannot be said to have been properly held unless (i) the employee proceeded against has been informed clearly of the charges levelled against him, (ii) the witnesses are examined – ordinarily in the presence of the employee – in respect of the charges. (iii) the employee is given a fair opportunity to cross-examine witness, (iv) he is given a fair opportunity to examine witnesses secluding himself in his defense if he

so wishes on any relevant matter and (v) the Enquiry Officer reorders his findings with reasons for the same in his report.

5. CDJ 2010 HPHC 177 – Federal Mogul Bearing India Ltd. *Vs.* State of H.P.

“...One of the issues pertained to the dispute as to whether inquiry was conducted in a just and fair manner. Onus of this was placed upon the petitioner (employer). Grievance of the petitioner is that onus of proof of this issue should have been upon the workers/workers, because it were they who had alleged that inquiry was not conducted in a just and fair manner.

4. Reasoning given by the Industrial Tribunal is that since in the reference wording is “whether the inquiry was just and fair”, the onus of proof had been placed upon the employer. Reasoning is not correct. Issues are not required to be framed on the basis of terms of the reference, but in accordance with the allegations and counter allegations of the parties. Since it is respondent No.2, which has made the allegation that inquiry was not just and fair, and the petitioner (employer) controverted this allegation, the onus of proof should have been upon respondent No.2 or the workers....”

6. CDJ 1999 DHC 716 - UCO Bank *Vs.* Presiding Officer.

“.....In the present case, petitioner Bank has held the enquiry conducted against workman on the basis of which workman has been dismissed. He has field statement of claim contending that enquiry conducted against him is not proper and that there is violation of principles of natural justice. Therefore, normally it is for him to prove as to how enquiry conducted against him is illegal or invalid.....”

7. CDJ 1975 SC 212 – The Apex Court in Bharat Iron Works *Vs.* Bhagubhai held.

“The onus of establishing a plea of victimisation will be upon the person pleading it. Since, a charge of victimisation is a serious matter reflecting, to a degree, upon the subjective attitude of the employer evidenced by acts and conduct, these have to be established by safe and sure evidence. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced.

14. In this case, it has become incumbent upon this Court to first decide whether the domestic enquiry conducted as against the petitioner was in fair and proper manner by following the principles of natural justice. This Court on perusal of domestic enquiry proceedings conducted by the Enquiry Officer and Exs. R1 to R15 relied by the respondent finds that on 04.02.2012 the petitioner had appeared before Enquiry Officer and on the said date the petitioner had sought to appoint his co-worker one Mr. Sudhakar to assist him during the enquiry proceedings and the same is found to have been accepted and permission has been granted by the Enquiry Officer and further on the said date the statement of representative of management is found to have been recorded and thereafter the enquiry proceedings is found to have been adjourned to 11-02-2012 but on 11-02-2012 the enquiry proceedings was not conducted and hence, the enquiry is found to have been adjourned to 16-02-2012.

15. The enquiry proceedings further reveals that on 16-02-2012 on the side of management time was sought for production of documents and list of witnesses and therefore the enquiry is found to have been adjourned to 23-02-2012 and on 23-02-2012 the representative of the management had produced list of documents along with documents and the same is found to have been furnished to the petitioner herein and the same has been recorded by the Enquiry Officer and the enquiry proceedings is found to have been adjourned to 03-03-2012 for examination of witnesses and on 03-03-2012 the representative of management is found to have produced additional documents and the copies of said documents also is found to have been furnished to the petitioner and thereafter the enquiry proceedings is found to have been adjourned to 23-03-2012 and on 23-03-2012 on the side of management MW1 – Mr. Thiruvassagam was examined in chief and Exs.M1 to M21 is found to have been marked and on the side of petitioner herein time was sought for cross-examination of MW1 and thereafter MW2 – Mr. Kamaraj was examined in chief and again petitioner is found to have requested time for cross-examination of MW2 and the request of the petitioner is found to have been accepted and the enquiry proceedings is found to have been adjourned to 31-03-2012 but the enquiry on 31-03-2012 is found to have been adjourned at the request of petitioner to 28-04-2012 but, on 28-04-2012 the enquiry was again adjourned to 12-05-2012 and on 12-05-2012 one Mr. Murugan is found to have been examined as MW3 in chief and thereafter it is found to have been informed by the management that there is no any further witness on their side and therefore, for cross-examination of MW1 to MW3 the enquiry is found to have been adjourned to 21-05-2012.

16. The enquiry proceedings further reveals that on 21-05-2012 the petitioner is found to have requested time stating that he needs time to go through the evidences of MW1 to MW3 and therefore, the enquiry is found to have been adjourned to 30-05-2012 and on 30-05-2012 the petitioner is found to have requested for attendance register copy and the details of security officer who was said to be present at the time of incident and the Enquiry Officer accepting the request of the petitioner is found to have directed the management to furnish those documents to the petitioner and adjourned the enquiry proceedings to 16-06-2012 and on 16-06-2012 the representative of management is found to have informed the Enquiry Officer that the documents sought by the petitioner was furnished to the petitioner but, however, the petitioner is found to informed the Enquiry Officer that he was not furnished in time and out time register copy for which the representative of management had replied that the same has been maintained by the security personally and they are no way connected to the management and further the company also has changed the security and the personal documents maintained by the erstwhile security had been taken away by the erstwhile security itself and again on 16-06-2012 the petitioner is found to have requested to furnish the copy of general diary maintained by the security officer and the same has been furnished on the very same date and again at the request of petitioner the enquiry was adjourned to 22-06-2012 but on 22-06-2012 the petitioner gave an objection with regard to appointment of management representative Mr. Subramani and therefore, to give reply for the said objection the enquiry was adjourned to 01-09-2012.

17. On perusal of enquiry proceedings it further reveals that on 01-09-2012 the reply was submitted by the management and it was informed by the petitioner that he was entitled for full wages as subsistence allowance since the suspension period extended for more than six months for which the management had replied that 75% of wages was sufficient as per the Industrial Standing Order and to furnish the copy of said Standing Order and as well as for hearing objection regarding the appointment of representative of management the enquiry is found to have been adjourned to 08-09-2012 and later on 20-10-2012 it was informed by the management representative that Tamil translated copy of Standing Order was furnished to the petitioner and the same was accepted by the petitioner but the petitioner is found to have informed the Enquiry Officer that he was entitled for 100% wages as subsistence allowance and therefore at his request for

furnishing proof for the same the enquiry proceedings is found to have been adjourned to 27-10-2012 and on 27-10-2012 the Enquiry Officer has given finding regarding objection raised by the petitioner for the management representative by holding that there was no any mistake in appointing the official who issue charge-sheet as management representative and also advised the petitioner to raise industrial dispute with regard to subsistence allowance dispute and adjourned the enquiry proceedings to 03-11-2012 for cross-examination of MW1 to MW3.

18. The records further reveals that on 03-11-2012 as the petitioner did not appear before Enquiry Officer the enquiry proceedings was adjourned to 10-11-2012 and on 10-11-2012 at the request of management the enquiry was adjourned to 02-02-2013 and 09-02-2013 and later on 05-03-2013 the petitioner is found to have requested the time for cross-examination for another two days but, the Enquiry Officer on recording that sufficient time was given for cross-examination has closed the evidence on management side and posted for evidence on petitioner side. That on 19-03-2013 the petitioner submitted a letter insisting for cross-examination of management witness but the Enquiry Officer is found to have declined the request of the petitioner on recording that sufficient time had been already granted to the petitioner for cross-examining the management witnesses and thereafter is found to have insisted the petitioner to let in evidence on his side and thereafter for evidence on petitioner side the enquiry was adjourned to 25-03-2013 and subsequently on the side of petitioner herein DW1 to DW4 was examined in chief and were cross-examined by the management representative.

19. Thus, on perusal of entire enquiry proceedings it could be inferred that the petitioner was furnished with all the documents and additional documents relied by the management and hence, in the said context the contention of the petitioner that he was not furnished with copies of documents relied by the management is found to be unsustainable one. The other contention of the petitioner that the disciplinary authority acted as management representative is concerned, this Court finds that no doubt the charge-sheet is found to have been issued by one Mr. Subramanian on behalf of the respondent management and further he is found to have acted as management representative during the enquiry proceedings but however during the pendency of said enquiry proceedings on 09-04-2013 it has been reported on the side of management that the said Mr. Subramanian had resigned the job and one Mr. Narayanamoorthy was appointed as Management representative. Hence, in such context the said objections has no legs to stand.

20. The other contention of the petitioner that if it had been true that the security officer was available at the time of incident then he would have entered in the General Diary but the General Diary sought by the petitioner was not produced by the respondent is concerned, this Court finds that on perusal of enquiry proceedings, dated 30-5-2012 it is found that the petitioner herein had sought for an Attendance Register copy and name of the security on the date of alleged incident and the Enquiry Officer has directed the management to furnish the same to the petitioner and on 16-06-2012, the management representative in the presence of the petitioner is found to have stated that those documents were furnished to the petitioner and at that time the petitioner had sought for in time and out time register and the management representative is found to have explained that the same has been maintained by the securities personally and those registers are no way connected to the management and further the company also has changed the security and the personal documents maintained by the erstwhile security had been taken away by the erstwhile security itself. Hence, from the said submissions it could be inferred that no where during the enquiry proceedings the petitioner had sought for the General Diary Report.

21. Yet another objection of the petitioner that the security officer who is said to have been present during the time of alleged incident was not produced for the purpose of examination by the petitioner and original torn shirt ought to have been produced during enquiry but no such cloth was produced but the management had produced only two photographs and marked them as Ex.M4 is concerned, this Court finds that the petitioner inspite sufficient opportunities has failed to cross-examine MW1 to MW3 during the enquiry proceedings and further had been obviating the cross-examination by giving one representation after the other and thereby the evidence of MW1 to MW3 is found to have been closed without cross-examination and hence, in the said context the contention of the petitioner that non-production of security officer by the respondent for examination by the petitioner and non-production of alleged torn shirt was prejudicial is found to be unacceptable one. Similarly the objection of the petitioner that the Enquiry Officer wantonly rejected the evidence of DW1 to DW4 and accepted the evidences let in by the witness of management is found to be an evasive one.

22. The prime contention of the petitioner is that the RW1 during his cross-examination has deposed that the alleged incident took place during first shift on 13-01-2012 and first shift timing is from 6.00 a.m. to 2.00 p.m. and

whereas, the petitioner on the said date was working for second shift and therefore on the date of incident as per the evidence of RW1 the petitioner was not available in the work place. This Court on perusal of re-examination of RW1 finds that the RW1 has categorically deposed that during first shift ending there is every possibility for the second shift workers to enter the work place and similarly the first shift workers can leave the work place even after completion of their shift timings. In this case the alleged incident is stated to have been occurred at 1.45 p.m. that is first shift ending time and therefore as per the evidence of RW1 the second shift workers can enter the work place in prior to 15 minutes of second shift timings. When such being so, the chance of petitioner to be present during first shift that is at 1.45 p.m. is very remote is found to be unacceptable one. Furthermore, as per Ex.R11 the petitioner is found to have been informed regarding the change of Enquiry Officer and on perusal of Ex.R16 this Court finds that subsistence allowance had been paid for the period till the date of termination on 11-10-2014. Hence, viewed in any angle, this Court finds that the enquiry has been conducted according to the principles of natural justice and thereby the domestic enquiry is found to have been conducted in a fair and proper manner.

23. The Enquiry Officer in his report after considering the evidences let in on the side of management and the petitioner herein has held that the misconduct charged against the petitioner had been proved. Further as per Ex.R14 the petitioner had been given opportunity to submit his objection for the second show cause notice and the petitioner either in the claim statement or during his oral evidence has not denied the contention of respondent herein that second show cause notice as per Ex.R14 was issued to the petitioner. Thus, this Court finds that the management has followed all due procedures in conducting enquiry and before issuing termination order on 11-10-2014.

24. Now coming to the proportionate of the punishment is concerned this Court finds that the charge levelled against the petitioner does not deserve any grave punishment of dismissal from service and thus, the termination from service is found to be disproportionate to the charge. Thus, this Court finds that the punishment of termination is an excessive one and more particularly it is admitted by the respondent that the petitioner was working for 15 years. However the dispute in this case being with the superiors and the petitioner having terminated in the year 2014 finds that the reinstatement of petitioner would again cause untoward atmosphere and embarrassing situation and further there would be no any chance to maintain

harmony in between the petitioner and the respondent management in future. Thus, in the abovesaid discussions this Court holds that the reinstatement of petitioner would cause embarrassment to both parties and therefore, to maintain industrial peace this Court finds that it would be appropriate to direct the respondent to pay a *lump sum* amount as compensation to the petitioner.

25. In this case the petitioner during his cross-examination has deposed that he has been looking after the business of his father-in-law and earning ₹ 5,000 to 6,000 per month. Thus, the petitioner is not found to be in well placed employment after the petitioner was relieved from the employment of the respondent. Therefore, on considering the same and considering that the petitioner had been working in the respondent company for more than 15 years, this Court finds that it would be appropriate to direct the respondent to pay compensation of ₹ 10,00,000 (Rupees ten lakh only) to the petitioner *in lieu of* reinstatement. Thus, the dispute raised by the petitioner is justified and the points are answered accordingly.

In the result this petition is partly allowed with modification by directing the respondent to pay compensation of ₹ 10,00,000 (Rupees ten lakh only) to the petitioner *in lieu of* reinstatement within a period of two months from today failing which the petitioner is entitled for the said amount with interest at the rate of 9% p.a from the date of Award to till the date of realisation. There is no order as to costs.

Partly typed by the Stenographer, partly typed by me in my laptop, corrected and pronounced by me in open Court, on this the 31st day of October, 2025.

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

List of petitioner's witness:

PW1 — 20-06-2017 E.K.Sankar (Petitioner)

List of petitioner's exhibits :

Ex.P1 — 20-01-2012 Photocopy of the show cause-cum-suspension order of the petitioner.

Ex.P2 — 21-01-2012 Photocopy of the Petition of the all employees to cancel the Suspension order to the respondent.

Ex. P3 — 23-01-2012 Photocopy of the charge-sheet issued by the respondent to the Petitioner.

Ex. P4 — 23-01-2012 Photocopy of the Reply to the charge-sheet by the petitioner to the respondent.

Ex. P5 — 19-03-2013 Photocopy of the Petition given by the petitioner regarding unfairness of Domestic Enquiry.

Ex. P6 — 25-04-2014 Photocopy of the Domestic Enquiry Report.

Ex. P7 — 12-05-2014 Photocopy of the The Show cause notice.

Ex. P8 — 11-10-2014 Photocopy of the Dismissal Order of the petition.

Ex. P9 — 14-11-2014 Photocopy of the objection petition on Dismissal Order by the petitioner to the respondent.

Ex. P10 — 26-11-2014 Photocopy of the 2A petition.

Ex. P11 — 11-07-2016 Photocopy of the Report on Failure of Conciliation.

List of Respondent's witness:

RW1 — 25-09-2017 G. Narayanamoorthy
(General Manager).

List of Respondent's Exhibits:

Ex. R1 — 20-01-2012 Photocopy of the charge-sheet issued to the petitioner by Saba Industries Pvt. Ltd.,

Ex. R2 — 21-01-2012 Photocopy of the Show cause notice issued to the Petitioner.

Ex. R3 — 23-01-2012 Photocopy of the Mr. Gandhi's Complaint Letter.

Ex. R4 — 23-01-2012 Photocopy of the Mr. Kamaraj's complaint letter.

- Ex.R5 — 19-03-2013 Photocopy of the Mr. Thiruvassagam's complaint letter.
- Ex. R6 — 25-04-2014 Photocopy of the show cause notice-cum-suspension order.
- Ex. R7 — 12-05-2014 Photocopy of the reply letter given by the petitioner.
- Ex. R8 — 11-10-2014 Photocopy of the charge-sheet issued to the petitioner.
- Ex. R9 — 14-11-2014 Photocopy of the Mr. Palaniyappan's Apology letters.
- Ex. R10 — 26-11-2014 Photocopy of the first enquiry officer's letter mentioning his inability to continue the enquiry.
- Ex. R11 — 11-07-2016 Photocopy of the Intimation letter to the Petitioner regarding appointment of a new Enquiry Officer.
- Ex. R12 — 11-07-2016 Photocopy of the Domestic Enquiry proceedings.
- Ex. R13 — 11-07-2016 Photocopy of the Enquiry report of the Petitioner.
- Ex. R14 — 11-07-2016 Photocopy of the second show cause notice.
- Ex. R15 — 11-07-2016 Photocopy of the Termination Order of the Petitioner.
- Ex. R16 — 11-07-2016 Photocopy of the Settlement given to the Petitioner.
- Ex. R17 — 11-07-2016 Photocopy of the FIR filed against the Petitioner and others by the Thirubuvanai Police.
- Ex. R18 — 11-07-2016 Photocopy of the Bail Petition Order.

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

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 09/Lab./AIL/S/2026,
Puducherry, dated 12th February 2026)

NOTIFICATION

Whereas, an Award in I.D (L) No. 13/2025, dated 02-09-2025 of the Labour Court, Puducherry, in respect of the dispute between M/s. Ravikumar Distillers Limited, Puducherry and All India United Trade Union Centre (AIUTUC), over strike in respect of unfair Labour practices 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. 13/2025
CNR. No. PYPY06-000034-2025

The Secretary,
AIUTUC – All India United Trade Union Centre,
Nos. 09 and 10, Om Sakthi Avenue,
Near Sithanantha Koil,
Karuvadikuppam,
Puducherry-605 008. . . Petitioner

Versus

The Managing Director,
M/s. Ravikumar Distilleries Ltd.,
R.S.No. 89/4A, Katterikuppam (Post),
Mannadipet Commune,
Puducherry-605 502. . . 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. 03/Lab./AIL/S/2025, dated 28-01-2025 of the Labour Department, Puducherry to resolve the following dispute between the petitioner and the respondent, *viz.*,-

(a) Whether the dispute raised by the Trade Union All India United Trade Union Centre (AIUTUC) against the management of M/s. Ravikumar Distilleries Ltd., Puducherry, over strike in respect of unfair Labour practices is legal and justified?

(b) If justified, what relief they are entitled to?

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

2. Mr. G. Iyanar filed Vakalat for Respondent. No representation on petitioner side from 30-06-2025 onwards. In spite of several adjournments the petitioner has not chosen to appear. Hence, on recording the same this Court 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

OFFICE OF THE DEPUTY DIRECTOR (SECONDARY EDUCATION), KARAIKAL

No. 170/DDSE/KKL/E3(Exam.)/2026/32.

Karaikal, dated 11th February 2026.

NOTIFICATION

It is hereby informed that the following candidates have lost their original S.S.L.C. and H.S.C. Mark Certificates beyond the scope of recovery, and necessary steps have been taken to issue duplicate certificates. If, anyone finds the original Mark Certificate(s), it/they may be sent to the Secretary, State Board of School Examinations (Sec.), College Road, Chennai – 600 006 for cancellation, as it is/they/are no longer valid.

Sl. No.	Name of the applicant	Register No., session and year	Sl. No. of the mark certificate	School in which studied last
(1)	(2)	(3)	(4)	(5)
Thiru/Tmt./Selvi:				
1	Radha. S	521917, March 2007	SEC 4680345	Nirmala Ranee Girls' Higher Secondary School, Karaikal.
		521451, March 2009	HSG 4481289	Annai Teresa Government Girls' Higher Secondary School, Karaikal.
2	Ramkumar. S	544412, March 2008	SEC 5796922	Shanmuga Higher Secondary School, Varichikudy, Karaikal.
		2802721, March 2010	HSG 5125845	PM Shri Thanthai Periyar Government Higher Secondary School, Karaikal.

K. DJIA,
Deputy Director (Secondary Education).