



കേരള സർക്കാർ
Government of Kerala
2018



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI

Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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PART I

Notifications and Orders issued by the Government

Labour and Skills Department Labour and Skills (A)

ORDER

G.O. (Rt.) No. 214/2018/LBR.
Thiruvananthapuram, 23rd February 2018.

Sub:—Labour and Skills Department—Judgment in WP (C) No. 31557/2017 filed by Ambalappuzha Taluk D.C. Mills Textile Thozhilali Union (T.U.C.I.) Alappuzha—complied with—Orders Issued.

Read:—(1) Representation dated 17-8-2017 received from the General Secretary, Ambalappuzha Taluk D. C. Mills Textile Thozhilali Union (T.U.C.I.) Alappuzha.

- (2) Judgment dated 6-11-2017 in WP (C) No. 31557/2017
- (3) Letter No. I(1) 13979/17 dated 22-1-2018 received from the Labour Commissioner, Thiruvananthapuram.

Representation dated 17-8-2017 read as first paper above was submitted to Government by the General Secretary, Ambalappuzha Taluk D.C. Mills Textile Thozhilali Union (T.U.C.I) Alappuzha against the retrenchment of 46 employees by the management of D.C. Mills.

The Hon'ble High Court as per the judgment read as 2nd paper above directed the Government to consider and pass orders on the representation preferred by the petitioner after hearing the applicant and other affected parties.

Hearings with the management of D.C. Mills and its union leaders were conducted on 4-1-2018 and 23-1-2018. The Company presented its arguments on the retrenchment of employees. The company stated that the retrenchment of the 46 workmen of Pathirappally Unit was done after obtaining their consent and considering the seniority list of the employees in the concerned department. The company stated that the unit was nonviable and they had no funds to run it.

The union leaders stated that the retrenchment was done without prior notice to the employees and a number of workers junior to the workmen who are retrenched are retained in the service.

In this connection the Labour Commissioner was directed to furnish a report after examining the documents and records available in the company. Labour Commissioner examined the transfer order of the workmen to the sister concerns of the company, the documents of the salary distribution through Bank Account, Muster Roll for the years 2015, 2016 & 2017, Wage Register, Holiday Wage Register, Factory License of the company where the workmen were transferred, D.C. Mills standing order etc., in detail. D.C. Mills is registered legally under the Companies Act and the other two sister concerns are proprietorship organizations. The Labour Commissioner reported that there are only less than 90 workmen in the Company and the retrenchment of 46 workers by DC Mills management was done as per the willingness of the workers and examining the seniority of employees in their respective departments after prior notice to workmen, and hence the reasons put forth by the management is legally sustainable.

Government has examined the matter in detail based on the available documents in file and the report received from the Labour Commissioner and find that the reasons put forth for retrenchment by the management appear genuine. On the other hand the Union has not furnished any credible supporting evidence to establish their claim.

In the above circumstances Government rejects the representation submitted by the DC Mills employees union. Ambalappuzha Taluk D.C. Mills Textile Thozhilali Union (T.U.C.I.). Alappuzha.

By order of the Governor,
TOM JOSE,
Additional Chief Secretary.

ORDERS

(1)

G.O. (Rt.) No. 177/2018/LBR.

Thiruvananthapuram, 12th February 2018.

Whereas, the Government are of opinion that an industrial dispute exists between Sri Santhoshkumar, T. P., Proprietor, M/s Speed & Safe Couriers, Rabi Tower, Opp. Railway Station, Kannur and the workman of the above referred establishment Sri K. Divakaran, Kakken House, Puzhathi, Chirakkal P. O., Kannur-670 011 in respect of matters mentioned in the annexure to this order;

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

Now, therefore, in exercise of the powers conferred by Section 10(1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Labour Court, Kannur. The Labour Court will pass the award within a period of three months.

ANNEXURE

Whether the denial of employment to Sri Divakaran, Kakken House, Puzhathi, Chirakkal (P.O.), Kannur District by the Management of M/s Speed & Safe Couriers, Rabi Tower, Opp. Railway Station, Kannur is justifiable? If not, what relief the worker is entitled to?

(2)

G.O. (Rt.) No. 199/2018/LBR.

Thiruvananthapuram, 20th February 2018.

Whereas, the Government are of opinion that an industrial dispute exists between the Managing Director, Kerala State Drugs & Pharmaceuticals Limited, Kalavoor, Alappuzha-688 522 and the workmen of the above referred establishment represented by (1) the General Secretary, Drugs & Pharmaceuticals Employees Association (AITUC), Reg. No. 213/75, Alappuzha (2) the General Secretary, K.S.D.P. Employees Union (CITU), Kalavoor, Alappuzha in respect of matters mentioned in the annexure to this order;

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

Now, therefore in exercise of the powers conferred by Section 10(1) (d) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Industrial Tribunal, Alappuzha. The Industrial Tribunal will pass the award within a period of three months.

ANNEXURE

Whether the demand raised by the union for the permanency in job of the temporary employees of Kerala State Drugs and Pharmaceuticals Ltd., Kalavoor, Alappuzha is sustainable? If so what reliefs the employees are entitled to get?

(3)

G.O. (Rt.) No. 200/2018/LBR.

Thiruvananthapuram, 20th February 2018.

Whereas, the Government are of opinion that an industrial dispute exists between Sri Ali, K., Proprietor, M/s Flash Advertising & Marketing Agencies, S-73, GCDA Shopping Complex, Marine Drive, Ernakulam-682 031 and the workman of the above referred establishment Sri Prakash Thampi, 3/458, Renjulalayam, Glass Factory Road, K.D.P. Post, South Kalamasseri, Ernakulam-683 109 in respect of matters mentioned in the annexure to this order;

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

Now, therefore, in exercise of the powers conferred by Section 10(1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Labour Court, Ernakulam. The Labour Court will pass the award within a period of three months.

ANNEXURE

Whether the termination from employment of Sri Prakash Thampi by the Management of Flash Advertising & Marketing Agencies S-72, GCDA Shopping Complex, Marine Drive, Ernakulam-682 031 is justifiable or not? If not what are the reliefs he is entitled to?

(4)

G.O. (Rt.) No. 204/2018/LBR.

Thiruvananthapuram, 20th February 2018.

Whereas, the Government are of opinion that an industrial dispute exists between Sri Praveenkumar (Managing Director), Anandeswara Motors Pvt. Ltd., Thattamala P. O., Kollam and the workman of the above referred establishment represented by Sri T. Venugopal (General Secretary), Quilon District Motor Mechanical Workers Union, C.I.T.U. Bhavan, Highschool Junction, Kollam in respect of matters mentioned in the annexure to this order;

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

Now, therefore, in exercise of the powers conferred by Section 10(1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Labour Court, Kollam. The Labour Court will pass the award within a period of three months.

ANNEXURE

Whether the denial of employment to Sri Raju Abraham, washing staff by the management of Anandeswara Motors Pvt. Ltd., Thattamala P. O., Kollam is justifiable or not? If not what relief the worker is entitled to?

(5)

G.O. (Rt.) No. 205/2018/LBR.

Thiruvananthapuram, 20th February 2018.

Whereas, the Government are of opinion that an industrial dispute exists between Sri G. Soman, Proprietor, Rohini Granite Palace, Neendakara and the workman of the above referred establishment Sri Satheesan Pillai, Vadakkanancheril Veedu, Neendakara P. O. in respect of matters mentioned in the annexure to this order;

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

Now, therefore, in exercise of the powers conferred by Section 10(1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Labour Court, Kollam. The Labour Court will pass the award within a period of three months.

ANNEXURE

Whether the denial of employment to Sri Satheeshan Pillai employee of Rohini Granite Palace, Neendakara, Kollam by Sri G. Soman, proprietor of the establishment is justifiable? If not what relief he is entitled to?

(6)

G.O. (Rt.) No. 220/2018/LBR.

Thiruvananthapuram, 24th February 2018.

Whereas, the Government are of opinion that an industrial dispute exists between (1) Dr. B. V. Bhat, Joint Managing Partner, Ashoka Hospital, South Bazar, Kannur (Dist.), Pin-670 002 (2) Dr. Bindu, K., Joint Managing Partner, Ashoka Hospital, South Bazar, Kannur (Dist.), Pin-670 002 and the workman of the above referred establishment Smt. Padmini, B., Deepa Nivas, Swami Sadan, P. O. Chovva, Kannur-670 006 in respect of matters mentioned in the annexure to this order;

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

Now, therefore, in exercise of the powers conferred by Section 10(1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Labour Court, Kannur. The Labour Court will pass the award within a period of three months.

ANNEXURE

Whether the denial of employment to Smt. Padmini. B., the employee of Ashoka Hospital, South Bazar, Kannur by the employer is justifiable or not? If not, what relief she is entitled to?

By order of the Governor,

SONIA WASHINGTON,
Deputy Secretary to Government.