



भारत सरकार / Government of India

सरकारी राजपत्र OFFICIAL GAZETTE

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन
U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND
DAMAN AND DIU

श्रेणी - २
SERIES - II

प्राधिकरण द्वारा प्रकाशित / PUBLISHED BY AUTHORITY

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U.T. of Administration of Dadra & Nagar Haveli and Daman & Diu,
संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन,
Department of the Labour & Employment, Daman
श्रम एवं रोजगार, विभाग, दमण
2nd Floor, Udyog Bhavan, Bhenslore, Nani Daman
दूसरी मंजिल, उद्योग भवन, भेंसलोर, नानी दमण

No. LE/LI/DMN/Fact-4(7)/15/2023/393

Date: 11/09/2023

Subject: Publication of Award in IDR in the Official Gazette.

With reference to the above cited subject, the Award dated 08.06.2023 issued by the Hon'ble Presiding Officer, Industrial Tribunal, Daman in IDR No. 01/2016 in the matter of Workers of M/s. Daman Polymers Pvt. Ltd. V/s. M/s. Daman Polymers Pvt. Ltd. is here by published in the Official Gazette of this UT Administration of Dadra & Nagar Haveli and Daman & Diu for general information.

Sd/-
(Priyanshu Singh)
Director-cum-Deputy Secretary (Labour)
DNH & DD

Ref. (IDA) No.01/2016 (A)

UTDD010005632016



Filed on : 08.02.2016
Decided on : 08.06.2023
Period : Y M D
07 04 00

BEFORE THE INDUSTRIAL TRIBUNAL, DAMAN**(Presided over by Shridhar M. Bhosale)****Reference (IDA) No. 01 of 2016****Exhibit No:2****Party No.2** 16 Workers of M/s. Daman Polymers Pvt. Ltd.V/s.**Party No.1** M/s. Daman Polymers Pvt. Ltd.,
Bhimpore, Nani Daman**REFERENCE UNDER THE INDUSTRIAL DISPUTES ACT, 1947**

Appearances: None for the party No.1.
None for the party No.2.

A W A R D

(Passed on 08/06/2023)

- 1) This reference is received from Deputy Secretary (Lab & Emp.), Daman vide his order dated 05/02/2016 under Section 10 (1) (d) of Industrial Dispute Act (here-in- after referred to as 'IT Act').
- 2) After receipt of the reference, notices were issued to both the parties. Thus, second party did not appear for filing of statement of claim. Whereas first party despite of service of notice not appeared. The second party is also absent since last number of dates. Thus, the second party failed to file statement of claim to raise a claim and substantiate his contention in support of reference. Therefore, for want of statement of claim the reference has to be answer in the negative. Accordingly, I pass following order.

ORDER

- 1) The reference is answered in the negative.
- 2) The copy of the award be sent to the Joint Secretary (Lab & Emp.), Daman for publication.

Place: Daman
Date: 08/06/2023

Sd/-
[Shridhar M. Bhosale]
Chairman, Industrial Tribunal,
Daman.

U.T. of Administration of Dadra & Nagar Haveli and Daman & Diu,
संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन,
Department of the Labour & Employment, Daman
श्रम एवं रोजगार, विभाग, दमण
2nd Floor, Udyog Bhavan, Bhenslore, Nani Daman
दूसरी मंजिल, उद्योग भवन, भेंसलोर, नानी दमण

No. LE/LI/DMN/Fact-4(7)/2003/2023/394

Date: 11/09/2023

Subject: Publication of Award in IDR in the Official Gazette.

With reference to the above cited subject, the Award dated 04.07.2023 issued by the Hon'ble Labour Judge, Daman in IDR No. 09/2018 in the matter of M/s. Unify Texturisers Pvt. Ltd. V/s. Rampukar Singh is here by published in the Official Gazette of this UT Administration of Dadra & Nagar Haveli and Daman & Diu for general information.

Sd/-

(Priyanshu Singh)Director-cum-Deputy Secretary (Labour)
DNH & DD**I.D.R No.09/2018**

Received on : 25/09/2018
Registered on : 25/09/2018
Decided on : 04/07/2023
Duration : **Yrs. Ms. Ds.**
04. 09. 09.

CNR: UTDD010008272018**IN THE COURT OF THE LABOUR JUDGE, At: DAMAN****(Presided over by Pavan H. Bansod)****I.D.R. No. 09 / 2018****Exhibit No:14**

M/s Unify Texturisers Pvt. Ltd.
Plot No. 139/140, Karad Village,
Madhuban Dam Road,
Silvassa.

}
}

.....First Party.

V/s.

Rampukar Singh
Utra Faliya, Village Lavacha,
Room No. 389, Vapi

}
}

.....Second Party.

Reference of Industrial Dispute as
per section 10 (1)(c) of the
Industrial Dispute Act-1947.

Appearance:

Advocate Shri P.K. Jadia, Authorized Representative for the First Party.
Advocate Shri Darshan Modi, for the Second Party.

A W A R D

(Delivered on 4th Day of July 2023)

The Appropriate Government Administration of Daman and Diu, U.T., Daman was of the opinion that, an industrial dispute exists between the First party and Second party in respect of the matter of discharge or dismissal of workmen by the management of the first party. Therefore in exercise of the power conferred by clause 'C' of Sub Section 1 of section 10 of the Industrial Dispute Act-1947, the Appropriate Government has referred this industrial dispute for adjudication to this Labour Court of Daman, vide letter bearing No.LE/LI/DMN/FACT-4(7)/2003/1378, dated 19/09/2018, which is received by this Court on 25/09/2018. Accordingly notices were issued to both the parties as per procedure prescribed under section 11 of the Industrial Dispute Act 1947. In response to the notices both the parties appeared before this court. The second party has submitted statement of claim at Exh.3. The first party has filed reply at Exh.9.

(2) By way of statement of claim the Second Party alleged that, he was working in the first party company since 01/08/2000 and sincerely worked for the company, but the company management illegally terminated the services of all workmen on 31/08/2006. The first party is involved in the production of texturized polyester yarns (textiles). The total numbers of workers in the unit was around 110.

(3) The second party further alleged that the first party company was huge violator of the Labour laws and it was including violation of Factories Act, Minimum Wages Act and Industrial Employment Act 1946 and promote wrongful contract system in the company including hiring of skilled employees under contract scheme. The first party company has never provided the letter of appointment/joining letter/identify card to any employee since beginning. There is no provision of P.S/C.L./V.D.A. by the company to any workers including second party during the service tenure. The second party never got paid for the overtime difference in spite of working for 24 hours on several occasions. The management of first party has illegally terminated the service of second party on 31/08/2006. The act of company was like a torture to the second party as the employee was working since a long time and never expected such treatment from the first party.

(4) The second party further alleged that on 20/09/2006, 12/11/2009, 20/03/2013 the second party approached the Labour Enforcement officer, Daman with a written complaint under Industrial Dispute Act, 1947 and demanded immediate action and due justice as per rule. But no action initiated on part of Labour Department, Daman. Again on 08/12/2017, the second party approached the Administrator, Labour Commissioner, Dy. Labour Commissioner, Daman with complaint and demanded immediate action and due justice as per rule. The Labour Enforcement Officer Mr. J.B. Chauhan summoned the first party and a meeting was held at Labour Office where all the workmen were present and first party was represented by Mr. Salman, Manager/HR.

I.D.R No.09/2018

(5) The second party further alleged that after several reminders by the Labour Enforcement Officer, the first party had filed its reply on 12/03/2018. On 21/03/2018, the second party had filed his reply. As the company has not followed the instruction the case was taken up for conciliation proceeding at Deputy Labour Commissioner Officer, Daman.

(6) The second party further alleged that on 26/06/2018, the case was taken up for hearing at Deputy Labour Commissioner Office, Daman, where the first party was represented by the Manager. The first party has not filed reply and was adamant & refused to reinstate the first party. On 12/07/2018, the case was taken up for hearing at Deputy Labour Commissioner Office, Daman, where the first party was represented by the Manager. First party stated that they will be able to give Rs. 19,014/- as legal dues and first party is not willing to reinstate the second party in service any more. First party admitted the employment of the second party, but refused to address actual dispute raised by the employee during conciliation proceedings. First party falsely submitted the reply that they have not terminated the service of second party, but he himself abandoned the service. As conciliation proceeding ended with no amicable settlement, it was referred to this Court. The second party was the most regular and disciplined worker of the establishment and no charges of any misconduct leveled against him during his service tenure. The second party had been terminated by the service without giving any prior notice and without any valid ground for termination, hence the act of termination on the part of first party is absolutely illegal and against the law. Hence, prayed for his reinstatement and back wages.

(7) The first party filed reply Exh.9 to statement of claim and denied the averments made in claim in toto. The first party submitted that claim submitted by the second party is mischievous and not in accordance with the law. The claim has been filed only to harass the first party. The average number of workmen was 36 only. It is further submitted that the scope of the dispute is limited to the demand of reinstatement. Overtime wages is beyond the scope of this reference. Second party- Rampurkar Singh can do for himself, but cannot represent others. He is not entitled for any other relief. Therefore, this reference deserves to be rejected.

(8) Following points arise for determination. My findings on the said points are mentioned against each point for the reasons given below.

Points	Finding
1. Whether the second party workman was illegally terminated from his service by first party company?In the Negative.
2. Whether Second Party Workman is entitled for reinstatement with full back wages and other reliefs?In the Negative.
3. What order and award?As per final order.

REASON**Point No. 1 to 3:-**

(9) Second party has alleged that he was illegally terminated from his service by first party company. The first party appeared and resisted the claim before conciliation and offer to pay the legal dues of Rs. 19,014/-. But the second party refused to accept the said offer. However, second party failed to lead evidence. Therefore, evidence of second party has been closed vide order dated 22/06/2023. Moreover, second party has failed to substantiate his claim. The second party has not adduced any evidence. Therefore, I answer the point Nos. 1 and 2 in the negative and accordingly reference is liable to be disposed off. In the result of point No. 3, I proceed to pass the following order.

ORDER

- (1) The reference is answered in the negative.
- (2) An award be submitted to the appropriate Government for it's publication as per section 17 of the Industrial Dispute Act, 1947.

Daman
Dated : 04th July, 2023.

Sd/-
(Pavan H. Bansod)
Labour Judge,
Daman.

U.T. of Administration of Dadra & Nagar Haveli and Daman & Diu,
संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन,
Department of the Labour & Employment, Daman
श्रम एवं रोजगार, विभाग, दमण
2nd Floor, Udyog Bhavan, Bhenslore, Nani Daman
दूसरी मंजिल, उद्योग भवन, भेंसलोर, नानी दमण

No. LE/LI/DMN/FACT-4(7)/2008/2023/395

Date: 11/09/2023

Subject: Publication of Award in IDR in the Official Gazette.

With reference to the above cited subject, the Award dated 15.06.2023 issued by the Hon'ble Presiding Officer, Industrial Tribunal, Daman in IDR No. 16/2012 in the matter of Shri Dayanand Singh V/s. M/s. Karan Polymers is here by published in the Official Gazette of this UT Administration of Dadra & Nagar Haveli and Daman & Diu for general information.

Sd/-

(Priyanshu Singh)

Director-cum-Deputy Secretary (Labour)
DNH & DD

Ref. (IDA) No.16/2012 (A)

UTDD010005022012



Filed on : 20.06.2012
Decided on : 15.06.2023
Period : Y M D
10 11 25

Exhibit No:2

BEFORE THE INDUSTRIAL TRIBUNAL, DAMAN

(Presided over by Shridhar M. Bhosale)

Reference (IDA) No. 16 of 2012

Party No.2 Dayanand Singh
R/o. Maheshbhai Ki Chawl, Room No. 1,
Swaminarayan School, Bharwad Faliya
Chala, Vapi

V/s.

Party No.1 M/s. Karan Polymers
Plot No. 11-9, Classification III
OIDC Udyog Nagar, Ranginwada,
Nani Daman

REFERENCE UNDER THE INDUSTRIAL DISPUTES ACT, 1947

Appearances: None for the party No.1.
None for the party No.2.

A W A R D

(Passed on 15/06/2023)

- 1) This reference is received from Joint Secretary (Lab & Emp.), Daman vide his order dated 18/06/2012 under Section 10 (1) (d) of Industrial Dispute Act (here-in- after referred to as 'IT Act').
- 2) After receipt of the reference, notices were issued to both the parties. Thus, second party did not appear for filing of statement of claim. Whereas first party despite of service of notice not appeared. The second party is also absent since last number of dates. Thus, the second party failed to file statement of claim to raise a claim and substantiate his contention in support of reference. Therefore, for want of statement of claim the reference has to be answer in the negative. Accordingly, I pass following order.

ORDER

- 1) The reference is answered in the negative.
- 2) The copy of the award be sent to the Joint Secretary (Lab & Emp.), Daman for publication.

Place: Daman
Date: 15/06/2023

Sd/-
[Shridhar M. Bhosale]
Chairman, Industrial Tribunal,
Daman.

U.T. of Administration of Dadra & Nagar Haveli and Daman & Diu,
संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन,
Department of the Labour & Employment, Daman
श्रम एवं रोजगार, विभाग, दमण
2nd Floor, Udyog Bhavan, Bhenslore, Nani Daman
दूसरी मंजिल, उद्योग भवन, भेंसलोर, नानी दमण

No. LE/LI/DMN/FACT-97/2018/2023/396

Date: 11/09/2023

Subject: Publication of Award in IDR in the Official Gazette.

With reference to the above cited subject, the Award dated 13.06.2023 issued by the Hon'ble Presiding Officer, Industrial Tribunal, Daman in IDR No. 22/2018 in the matter of Shri Budhram Chunmun V/s. M/s. Wellknown Polyester Ltd. is here by published in the Official Gazette of this UT Administration of Dadra & Nagar Haveli and Daman & Diu for general information.

Sd/-
(Priyanshu Singh)
Director-cum-Deputy Secretary (Labour)
DNH & DD

Ref. (IDA) No.22/2018 (A)

UTDD010012572018



Filed on : 10.12.2018
Decided on : 13.06.2023
Period : Y M D
04 06 03

Exhibit No : 11

BEFORE THE INDUSTRIAL TRIBUNAL, DAMAN

(Presided over by Shridhar M. Bhosale)

Reference (IDA) No. 22 of 2018

Party No.2 Budhram Chunmun,
R/o. Kanubhai Ki Building, Room No. 30,
Atiyawad Char Rasta, Dabheil
Nani Daman,

V/s.

Party No.1 The Director/Manager
M/s. Wellknown Polyester Ltd.,
Srv No. 178/1, 185/2, 180/6, 181,
Dabhel Co. Op. Society, Dabhel,
Nani Daman

Ref. (IDA) No.22/2018 (A)

REFERENCE UNDER THE INDUSTRIAL DISPUTES ACT, 1947

Appearances: Adv. Naveen Sharma for the party No.1.
Adv. S.S. Bhatt for the party No.2.

A W A R D**(Passed on 13/06/2023)**

- 1) This reference is received from Labour Commissioner, Daman vide his order dated 06/12/2018 under Section 10 (1) (d) of Industrial Dispute Act (here-in- after referred to as 'IT Act').
- 2) After receipt of the reference, notices were issued to both the parties. Thus, second party did not appear for filing of statement of claim. Whereas first party despite of service of notice not appeared. The second party is also absent since last number of dates. Thus, the second party failed to file statement of claim to raise a claim and substantiate his contention in support of reference. Therefore, for want of statement of claim the reference has to be answer in the negative. Accordingly, I pass following order.

ORDER

- 1) The reference is answered in the negative.
- 2) The copy of the award be sent to the Joint Secretary (Lab & Emp.), Daman for publication.

Place: Daman
Date: 13/06/2023

Sd/–
[Shridhar M. Bhosale]
Chairman, Industrial Tribunal,
Daman.

U.T. of Administration of Dadra & Nagar Haveli and Daman & Diu,
संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन,
Department of the Labour & Employment, Daman
श्रम एवं रोजगार, विभाग, दमण
2nd Floor, Udyog Bhavan, Bhenslore, Nani Daman
दूसरी मंजिल, उद्योग भवन, भेंसलोर, नानी दमण

No. LE/LI/DMN/FACT-208/2017/2023/397

Date: 11/09/2023

Subject: Publication of Award in IDR in the Official Gazette.

With reference to the above cited subject, the Award dated 04.07.2023 issued by the Hon'ble Presiding Officer, Industrial Tribunal, Daman in IDR No. 10/2018 in the matter of Employees of M/s. Ess Dee Aluminum Ltd. V/s M/s. Ess Dee Aluminum Ltd., is here by published in the Official Gazette of this UT Administration of Dadra & Nagar Haveli and Daman & Diu for general information.

Sd/-

(Priyanshu Singh)Director-cum-Deputy Secretary (Labour)
DNH & DD

Ref. (IDA) No.10/2018 (A)

UTDD010005792018

Filed on : 01.06.2018
Decided on : 04.07.2023
Period : Y M D
05 01 03

Exhibit No : 03

BEFORE THE INDUSTRIAL TRIBUNAL, DAMAN

(Presided over by Shridhar M. Bhosale)

Reference (IDA) No. 10 of 2018

Party No.2 The Director/Manager,
M/s. Wellknown Polyester Ltd.,
Srv. No. 178/1, 185/2, 180/6, 181,
Dabhel Co.Op. Society, Dabhel,
Nani Daman

V/s.

Party No.1 Employees of
M/s. Ess Dee Aluminium Ltd.
C/o. Mr. Manish,
Plot No.124-133, Panchal Udyog Nagar,
Bhimpore, Nani Daman

REFERENCE UNDER THE INDUSTRIAL DISPUTES ACT, 1947

Appearances: None for the party No.1.
Adv. Sima Hansaraj for the party No.2.

A W A R D**(Passed on 04/07/2023)**

- 1) This reference is received from Labour Commissioner, Daman vide his order dated 29/05/2018 under Section 10 (1) (d) of Industrial Dispute Act (here-in- after referred to as 'IT Act').
- 2) After receipt of the reference, notices were issued to both the parties. Thus, second party did not appear for filing of statement of claim. Whereas first party despite of service of notice not appeared. The second party is also absent since last number of dates. Thus, the second party failed to file statement of claim to raise a claim and substantiate his contention in support of reference. Therefore, for want of statement of claim the reference has to be answer in the negative. Accordingly, I pass following order.

ORDER

- 1) The reference is answered in the negative.
- 2) The copy of the award be sent to the Joint Secretary (Lab & Emp.), Daman for publication.

Place: Daman
Date: 04/07/2023

Sd/–
[Shridhar M. Bhosale]
Chairman, Industrial Tribunal,
Daman.

U.T. of Administration of Dadra & Nagar Haveli and Daman & Diu,
संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन,
Department of the Labour & Employment, Daman
श्रम एवं रोजगार, विभाग, दमण
2nd Floor, Udyog Bhavan, Bhenslore, Nani Daman
दूसरी मंजिल, उद्योग भवन, भेंसलोर, नानी दमण

No. LE/LI/DMN/Fact-4(7)2012/2023/398

Date: 11/09/2023

Subject: Publication of Award in IDR in the Official Gazette.

With reference to the above cited subject, the Award dated 04.07.2023 issued by the Hon'ble Presiding Officer, Industrial Tribunal, Daman in IDR No. 01/2013 in the matter of Employees of Shri Santosh Singh V/s. M/s. Viltans poly Plast is here by published in the Official Gazette of this UT Administration of Dadra & Nagar Haveli and Daman & Diu for general information.

Sd/-
(Priyanshu Singh)
Director-cum-Deputy Secretary (Labour)
DNH & DD

Ref. (IDA) No.01/2013 (A)

UTDD010000352013



Filed on : 15.01.2013
Decided on : 04.07.2023
Period : Y M D
10 05 20

BEFORE THE INDUSTRIAL TRIBUNAL, DAMAN

(Presided over by Shridhar M. Bhosale)

Reference (IDA) No. 01 of 2023

Exhibit No : 16

Party No.2 M/s. Viltans Polyplast,
Plot No. 328/10, B/h Ptel,
Cricket Ground, Kachigam
Nani Daman.

V/s.

Party No.1 Santosh Singh .
Shantiben Ki. Chawl, Rohan Bar,
Kevdi Falia, Dabhel, Daman

REFERENCE UNDER THE INDUSTRIAL DISPUTES ACT, 1947

Appearances: Adv. S. S. Modasia for the party No. 01
Adv. T. Sandes for the party No.2.

A W A R D

(Passed on 04/07/2023)

- 1) This reference is received from Joint Secretary (Lab & Emp.), Daman vide his order dated 10/01/2013 under Section 10 (1) (d) of Industrial Dispute Act (here-in- after referred to as 'IT Act').
- 2) After receipt of the reference, notices were issued to both the parties. Thus, second party has filed a statement of claim. However, the first party file reply or written statement to a claim of second party. Thereafter, second party not appeared and adduced oral evidence to substantiate the contention and claim raised in a statement of claim. Therefore, as the second party failed to lead any evidence in support of the claim, the reference has to be answer in the negative. Accordingly, I pass following order.

ORDER

- 1) The reference is answered in the negative.
- 2) The copy of the award be sent to the Joint Secretary (Lab & Emp.), Daman for publication.

Place: Daman
Date: 04/07/2023

Sd/–
[Shridhar M. Bhosale]
Chairman, Industrial Tribunal,
Daman.
