



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

Daman	07 th August, 2026	16 Sravana, 1948 (Saka)	No. : 28
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केंद्र शासित प्रदेश दादरा और नगर हवेली और दमण और दीव / UT Administration of Dadra & Nagar
Haveli and Daman & Diu,
चिकित्सा एवं स्वास्थ्य सेवाएं निदेशालय / Directorate of Medical & Health Services,
मुख्य चिकित्सा अधिकारी का कार्यालय / Office of the Chief Medical Officer,
सामुदायिक आरोग्य केंद्र / Community Health Centre,
मोटी दमण / Moti Daman-396 220.

No DMHS/DD/PER-SNJ/FTS-15184/2026-27/2104

Date: 09/06/2026

ORDER

On the basis of records furnished by Smt. Shobhnaben Narrottam Jadav, A.N.M., Office of the Directorate of Medical & Health Services, Community Health Centre, Moti Daman is hereby allowed to change the name to "Smt. Shobhnaben Argi" in service record.

This is issued with the approval of the Advisor to Hon'ble Administrator / Appointing Authority, Dadra & Nagar Haveli and Daman & Diu vide diary No. 1529972 dated 05/05/2026 bearing File FTS No. 15184.

Sd/-
(Amit K. Pamasi)
Joint Secretary,
Health & Family Welfare.
DNH&DD

UT Administration of Dadra & Nagar Haveli and Daman & Diu
Department of Labour & Employment
Daman

No.LE/LI/DMN/FACT-68/2026/217

Dated:- 17-07-2026

ORDER

WHEREAS, the U.T. Administration of Dadra and Nagar Haveli and Daman & Diu is of the opinion that an Industrial dispute exists between M/s. R. K. Garments, Plot No. A, 1st Floor, Daman Industrial Association, Vapi-Kachigam Road, Opp. Somnath Temple, Somnath, Daman and its employees Shri Anil Rajbhar and others in respect of the matter specified in the Third Schedule annexed hereto (hereinafter referred to as the 'said dispute');

AND WHEREAS, the Administration of Dadra and Nagar Haveli and Daman & Diu considers it expedient to refer the said dispute for adjudication;

NOW THEREFORE, the sanction of the Labour Commissioner, Daman, in exercise of the powers conferred by clause "d" of sub-section 1 of section 10 of the Industrial Disputes Act, 1947, is hereby conveyed to forward the Conciliation Failure Report and to refer the said dispute to the Industrial Tribunal for adjudication.

S C H E D U L E

- (i) Whether the demand of the applicants for an amount of Rs. 54,237/- (Rupees Fifty Four Thousand Two Hundred Thirty Seven only) towards the pending wages is justified? If no, what relief the workman is entitled to?

This issues with the approval of the Labour Commissioner, Daman vide diary Entry No. 1547989 dated 13-07-2026.

Sd/-

(Aarti Agarwal)

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

**STATE LEGAL SERVICES AUTHORITY
DAMAN- DIU.**

No. MS/SLSA/2026/306

Dated: 30/07/2026

NOTIFICATION

I, In pursuance to the Executive Committee meeting of Daman - Diu State Legal Services Authority dated 18/06/2026 and approval of the Hon'ble Patron-in-Chief and Hon'ble Executive Chairman, State Legal Services Authority, Dadra and Nagar Haveli on submission dated 01/07/2026 and in exercise of powers conferred by Section 29-A of the Legal Services Authorities Act. 1987, Daman Diu State Legal Services Authority is hereby pleased to make the following regulations to amend the Daman - Diu State Legal Services Authority Regulations, 1998 for the purpose of giving effect to the provisions of the said Act, namely:-

1. In the regulations 9 of the Daman Diu State Legal Services Authority Regulations, 1998 (hereinafter referred to as the "the principal regulations") following points at (A) of the Schedule - I shall be substituted.

9. The fee payable to the legal practitioners, representing the parties, in the matters to be filed, conducted, assigned by the State Legal Services Authority shall be as per the Schedule I, appended to the Regulations.

**SCHEDULE
(See Regulation 9)
(A) FOR DISTRICT COURT / TRIAL COURT**

SCHEDULE OF HONORARIUM (PROFESSIONAL FEES) PAYABLE TO THE ADVOCATES ON THE PANEL FOR SUB-ORDINATE COURTS INCLUDING TRIBUNAL, INDUSTRIAL/LABOUR, FAMILY, CO-OPERATIVE COURT ETC.

Drafting (Civil Matters)		
Sr. No.	Description of Work	Recommended Fee Schedule
1	Drafting and filing of substantive pleadings such as Plaints, Appeal, Cross Appeal, Written Statement, Counter Affidavit, Counter Claim, Matrimonial Proceedings.	Rs. 3,500/- per case (In group / connected / batch matters or substantially similar matters the Advocate will be entitled to an additional drafting fee of Rs. 2000/- per case subject to maximum total Rs. 3,000/- per group of connected cases)
2	Drafting and filing of Review Petition, Revision Petition, Application under Succession Act, Probate Application.	Rs. 2,000/- per case

3	Drafting and filing of Miscellaneous pleadings such as miscellaneous application, reply to miscellaneous application, execution petition, reply to execution petition, transfer petition, additional or supplementary affidavit or pleadings, Civil M.A.	Rs. 1,500/- per case/application/reply
4	Drafting and filing of any other pleadings not referred above.	Rs. 1,000/- per case
Civil Matters		
Sr. No.	Description of Work	Recommended Fee Schedule
1	Drafting, filing and conducting all Civil Suits. (inclusive of all Miscellaneous Applications filed therein) (including drafting of plaint and written statement)	Rs. 15,000/- per case payable as follows:- (i) Rs. 4,000/- at the time of filing of plaint or written statement. (ii) Rs. 4,000/- on completion of evidence. (iii) Rs. 7,000/- on conclusion of case.
1A	Application U/s. 166 of the Motor Vehicle Act, 1988 (Inclusive of all Miscellaneous Applications filed therein) (Including drafting of petition and reply / written statement)	Rs. 12,000/- per case payable as follows:- (i) Rs. 3,500/- at the time of filing of plaint or written statement. (ii) Rs. 3,500/- on completion of evidence. (iii) Rs. 5,000/- on conclusion of case.
2	All other Civil Matters except petition for dissolution of Marriage by Mutual Consent, (including drafting of plaint and written statement)	Rs. 8,000/- per case payable as follows:- (i) Rs. 2,000/- at the time of filing of plaint or written statement. (ii) Rs. 2,000/- on completion of evidence. (iii) Rs. 4,000/- on conclusion of case.
2A	Petition for dissolution of Marriage by Mutual Consent or Petition which is converted for dissolution of Marriage by Mutual Consent at any point of time, (including drafting of plaint and written statement)	Rs. 3,500/- per case. (In case, earlier payment, if any made, same be deducted)
3	All Commercial Suits (including drafting of plaint and written statement)	Rs. 15,000/- per case payable as follow:- (i) Rs. 4,500/- at the time of filing of plaint or written statement. (ii) Rs. 4,500/- on completion of evidence. (iii) Rs. 6,000/- on conclusion of case.

Civil Matters		
Sr. No.	Description of work	Recommended Fee Schedule
1	All Civil Appeals, (Inclusive of all Miscellaneous Applications filed therein)	Rs. 800/- for non effective hearing Rs. 2000/- for effective hearing. (The maximum fee payable shall be Rs. 18000/- irrespective of number of hearings)
2	All other Civil Matter (In District/Industrial/Appellate Tribunal Court)	Rs. 500/- for non effective hearing Rs.1000/- for effective hearing. (The maximum fee payable shall be Rs. 12000/- irrespective of number of hearings)
3	Revision Petition/ Contempt Petition and other miscellaneous Civil Matters Matter (In District/ Industrial/ Appellate Tribunal Court)	Rs. 9,000/- per case
Criminal Matters		
Sr. No.	Description of work	Recommended Fee Schedule
1	Appearance in Trial of Summons Cases, Private Complaint Cases, Summary Cases, Cases before JJB and Cases under D.V. Act.	Rs. 500/- for non effective hearing Rs.1000/- for effective hearing. (The maximum fee payable shall. be Rs. 7,500/- irrespective of number of hearings)
2	Appearance in Trial of Regular Criminal Cases	Rs. 500/- for non effective hearing Rs.1000/- for effective hearing. (The maximum fee payable shall be Rs. 10,000/- irrespective of number of hearings)
3	Appearance in Trial of Cases before the Court of Session.	Rs. 500/- for non effective hearing Rs.1500/- for effective hearing. (The maximum fee payable shall be Rs. 25,000/- irrespective of number of hearings)
4	Attending remand and Bail Application, Miscellaneous Criminal Application, Application for modification of bail condition etc, before Sessions/ special court.	Rs. 3,500/- per case.
5	In Non-Bailable Offences Attending remand and Bail Application, Miscellaneous Criminal Application, Application for modification of Bail Condition, etc. in court of Chief Metropolitan Magistrate, Metropolitan Magistrate and Judicial Magistrate First Class.	Rs. 2,000/- per case (Only for Panel Advocate other than Remand and Retainer Lawyer)
6	In Bailable Offences Attending remand and Bail Application, Miscellaneous Criminal Application, Application for modification of Bail Condition, etc. in Court of Chief Metropolitan Magistrate, Metropolitan Magistrate and Judicial Magistrate First Class.	Rs. 1,000/- per case (Only for Panel Advocate other than Remand and Retainer Lawyer)
7	Criminal Revision	Rs. 5,000/-

8	Criminal Appeal	RS. 7,000/-
9	All other Miscellaneous Criminal matters other than mentioned above	Rs.1,500/- per case
Drafting (Criminal Matters)		
Sr. No.	Description of work	Recommended Fee Schedule
1	Drafting of substantive pleadings such as Complaint, Applications and other miscellaneous petitions.	Rs. 2,000/- per Case
2	Criminal Appeal/ Revision petition.	Rs. 3,000/- per Case.
3	Bail Application, Anticipatory Bail Application, Parole Application, Sentence Suspension Application and any other application. (In District/ Appellate Court)	Rs. 1,500/- per case/application
4	To any other pleading not referred above	Rs. 1,000/- per case

MISCELLANEOUS CHARGES (CIVIL & CRIMINAL MATTERS)		
Sr. No.	Description of Work	Recommended Fee Schedule
1	Computer Typing Charges	Rs. 30/- per page
2	Photo Copy / Xerox charges	Rs. 2/- per copy
3	Filing charges in Sessions/Special Court.	Rs. 1,000/- per case
4	Filing charges in any other court than that of Sessions Court	Rs. 500/- per case
5	Notice fees and other charges (including postal charges)	Rs. 850/- Advocate appointed to file the matter of all categories will be paid advance of Rs.1200/- towards expenses.

***Important Note:**

1. **a) Effective Hearing** means a hearing in a Criminal case where Charge or Notice, as the case may be is framed against the accused.

- b)** It is a hearing which results in recording of testimonies of witnesses in a Criminal case including cross-examination, recording of statement of the accused u/s. 281 or 313 Cr.P.C. 1973 or under the provisions of Section 316 or 351 of the Bharatiya Nagarik Suraksha Sahita, 2023, examination of defense witnesses, if any, arguments on any important Misc. application or final arguments.

- c) Similarly, in Civil cases, it would be the date on which the plaint/petition/written statement is filed or the issues are framed, witnesses are examined by way of filing of affidavit or otherwise, cross-examination or a stage on which any important Misc application is argued or final arguments.
- d) Either one or both parties involved in case are heard by the court resulting in passing of an order that decides substantial legal right of the parties, which may be challenged in Appeal or Revision, as the case may be. Provided that if the case is only adjourned or only interlocutory, directions are given or only judgement is delivered by the court, it would not constitute an effective hearing but will be termed as non-effective hearing.
- e) While evaluating any hearing as effective or non-effective, lenient view shall be taken in favour of effective hearings.
2. When the Panel Advocate is unable to remain present before the Court for hearing for any reason and he requests another Panel Advocate to appear in the matter, then the latter only shall be entitled to claim the honorarium for that day.
 3. In the event, two or more cases are pending for trial before the same Court and are connected with each other or are such which involve substantially identical or common question of law or fact or are between same parties qua the same or similar cause of action or are qua same suit property, only one suit shall be treated as main case for which the Panel Advocate shall be paid full fee. For the other connected cases, the fee payable shall be 1/4th of the prescribed fee.
 4. The fee schedule is prepared in a way that provides financial incentives for attending to more “*effective hearing*” than “*non-effective hearing*” but the empaneled Advocates shall be duty bound to appear on all “*non-effective hearings*”.
 5. This fee schedule would be applicable, at Pre-Trial as well as Trial stage, in those cases too wherein legal aid has been provided to the victims under Protection of Children from Sexual Offences Act (POCSO), Survivors of Sexual Assault (Rape Victims) or any other case where legal aid is provided in compliance of Court Orders or otherwise.
 6. If a matter is referred to Mediation or Plea Bargaining, then after certification from Mediation Centre or Plea Bargaining Court, as the case may be, about effective and non-effective sittings, the fees shall be paid for such sittings too if the effective hearings at the respective forum are more than two.
 7. In the event of a case assigned to Panel Advocate only for legal opinion or where the Panel Advocate opines that no case is made out he/she shall be paid a consolidated fee of Rs. 1,500/-; and in such case any advance paid for case preparation same shall be adjusted.

8. In cases, where the legal aid beneficiary does not turn up after the Panel Advocate has drafted the pleadings but the case was not filed before the Court, then the Panel Advocate shall be entitled to 50% of the fees towards drafting & filing of the matter and other miscellaneous charges on production of the draft pleadings.
9. **Inspection of Court Record:** During trial of any case, if the Panel Advocate conducts inspection of court record, then he shall be paid fees at the rate of Rs. 500/- per inspection and maximum for three (3) occasions in the life time of the matter.
10. **Preparation of Bill:** In all the cases, the Panel Advocate shall submit the fee bill only on the basis of number of hearings as per the schedule. In case the matter gets decided or disposed of at an interim stage or otherwise and prior to the case touching the maximum upper fee limit of the case category, the payment shall be made commensurate with the attended effective/non-effective hearings as per the schedule, Like-wise in case, a matter requires additional hearings beyond the maximum upper limit, the only maximum fixed fee shall be payable.

NOTE: In case the Panel Advocate is found to have furnished false bill, it would be treated as a sufficient ground for immediate de-empanelment.

11. **Limitation Period for filing of Professional Bills:** The professional bills shall be submitted by the Panel Advocate within one year of the final disposal of the case by the concerned court or of discharge of Advocate in the respective case, as the case may be The Co-Member Secretary, SLSA may for the reasons to be recorded in writing extend the time limit not exceeding six months, if he/she is satisfied that the circumstances were such which prevented the Panel Advocate from submitting the bills within the limitation period.
12. **Promoting ADR:** If a civil or criminal case is settled/compromised in Lok Adalat Mediation or Conciliation the Panel Advocate shall be entitled for additional payment of Rs 2,000/- over and above the fee payable upto that stage. If a civil or criminal case is settled/compromised in the Court itself, the Panel Advocate shall be entitled for an additional payment of Rs. 1,000/- over and above the fee payable upto that stage.
13. **Case Preparation Advance:** At the time of assignment of the cases both civil or criminal an amount of Rs. 1,200/- shall be credited in the account of nominated Panel Advocate towards case preparation charge/miscellaneous expenses subject to adjustment as per schedule.
14. **Clubbed Cases:** Appeals/Revisions or Petitions arising from one and the same judgement/order will be considered as one case, if issues are same.
15. **Applicability:** The note shall be applicable not only to the cases which may be allotted to the Panel Advocate in future but also to the pending cases as per their current stage.

The note shall come into effect from the date of publication in the official gazette

By order and in the name of
Daman-Diu
State Legal Services Authority

Sd/-
[R. S. Tiwari]
Ad-hoc Member Secretary
State Legal Services Authority
Daman - Diu

Place: Daman
Date: 30/07/2026

संघ प्रदेश दमण एवं दीव प्रशासन / U.T. Administration of Daman & Diu
राष्ट्रीय वेक्टर-जनित रोग नियंत्रण कार्यक्रम का कार्यालय / Office of the National Vector Borne
Diseases Control Programme,
सामुदायिक स्वास्थ्य केंद्र मोटी दमण के सामने / Opposite Community Health Centre, Moti
Daman, दमण / Daman

No. NVBDCP/DMHS/MK/CN/2026-27/14

दिनांक : 03/08/2026

ORDER

On the basis of records furnished by Minaxiben K. Patel, LDC Office of the NVBDCP, Daman is hereby allowed to change the name to “MINAXIBEN KANTI” in service record.

This is issued with approval of the Advisor to Hon'ble Administrator/Appointing Authority, Dadra & Nagar Haveli and Daman & Diu Vide dairy No. 1541661 dated: 01/06/2026. Bearing FTS No.208038.

Sd/-
(Amit Kumar Pamasi)
Joint Secretary,
Health & Family Welfare
DNH, Daman and Diu

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

No. LE/LI/DMN/Fact-117/2022/2026/256

Date: 04/08/2026

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

With reference to the above cited subject, Award received from I/c. Superintendent, Civil Court (S. D.), Daman in IDR No. 02/2024 dated 21.07.2026 of M/s. Silver Star Distillery V/s. Gangaram Chunnu Verma is here by publish in the Official Gazette of this UT Administration of Dadra & Nagar Haveli and Daman & Diu for general information.

Sd/—

(Aarti Agrawal)

Dy. Director-cum-Dy. Secy. (Labour)
DNH & DD

CNR: UTDD010001522024



Received on : 05/03/2024
Registered on : 07/03/2024
Decided on : 21/07/2026
Duration : Yrs. Ms. Ds.
02. 04. 14.

IN THE COURT OF THE LABOUR JUDGE, At: DAMAN
(Presided over by Pranita P. Bharsakade-Wagh)

I.D.R No. 2/2024
Exh. No. 16

Gangaram Chunnu Verma,
Aged About 35 years, Occ.: Service,
R/o H. No. 1186/2, Tanki Faliya,
Nani Daman, Daman.

}

.....Applicant

V/s.

M/s Silver Star Distillery,
Srv. No. 57/1(8), A & B,
Village Bhenslore, Nani Daman,
Daman.

}

.....Respondent

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

Appearance: Advocate Smt. Smeeta Surati through Legal Aid for the applicant.
Reference proceeded ex- parte against respondent.

AWARD

(Delivered on 21st Day of July, 2026)

This is a reference received from the Commissioner (Labour) under section 10(1)(c) of The Industrial Disputes Act, 1947 (hereinafter referred to as The Act'). It has been stated in the reference that an industrial dispute exists between M/s Silver Star Distillery and its workman Shri Gangaram Chunnu Verma. The management of the company and the workman were called for conciliation. Both the parties had appeared for conciliation. However, no conciliation could be reached out during the conciliation proceeding. Hence the Conciliation Officer has made this reference to the Labour Court to decide the issue "Whether the demand of the applicant for an amount of Rs. 2,95,608/- (Rupees Two Lakh Ninety Five Thousand Six Hundred & Eight only) is justified? If No, what relief the workman is entitled to?"

2) After receiving this reference, notices were issued to the applicant-claimant and the respondent company. Accordingly, the applicant Shri Gangaram Chunnu Verma appeared before the Court and filed his statement of claim on 18.01.2025. Despite of receiving the notice vide Exh. 6 on 30.08.2025, no person from the respondent company appeared before the Court. Therefore, the reference proceeded ex- parte against the respondent company vide the order below Exh. 1 dated 20.09.2025.

3) In his claim, it has been submitted by the applicant that he was an employee of the respondent company. He used to operate Forklift in the respondent company. He started working with the respondent company on 23.09.2016. His service was regular and continuous and he was working for 08 hours. He worked for a continuous period in the company till 13.10.2022 without any sort of disturbance from the management.

4) That on 13.10.2022 when he went to attend his regular duty he saw that there was some electric issue in the Forklift which he used to ride in the company. He immediately informed to the owner of the company Mr. Krunal Tandel about electric problem in the Forklift. After looking the problem in a Forklift, Mr. Krunal started shouting on him, used filthy words and threatened him that if he will come in the company to attend his duty then he will beat him badly. He was afraid from threat of the owner Mr. Krunal. Therefore, he filed an application before the Labour Office. The Labour Officer had immediately made a phone call to the owner of the company and asked him for conciliation. The management of the company informed the Labour Officer that, they are ready to pay due amount of the applicant but first he has to give resignation to company so they will pay the entire due amount.

5) That according to the instructions of Labour Officer, he went to respondent company with Jaggubhai who works in Labour Office. H.R. Miss Dibya of the respondent company informed that if he wants the due amount then he has to make some signatures on some papers. Accordingly, he made some signatures on company's papers in front of Mr. Jaggubhai. After taking signatures of the applicant

the management of the company informed the applicant that they will pay him after some days as they will have to calculate due amount as per their company record. After one week he visited the respondent company and asked for due payment. The respondent company had paid bonus of Rs. 19,000/- to the applicant. After receiving bonus he again visited company and requested for left payment. The respondent had again paid Rs. 7,000/- to him and informed that, as early as possible they will pay him the balance amount. He visited the respondent company several times and requested the respondent for balance payment but they refused to pay him and therefore, the respondent company wrongfully, forcibly and illegally terminated him from his service without any notice. Vide the claim, the applicant has prayed for his legal dues.

6) The applicant filed his affidavit in lieu of examination-in-chief vide Exh. 7. He has also relied upon the documents i.e. appointment letter (Exh.10), letter to ICICI Bank (Exh. 11) and I.D. Cards (Exh. 12, 13).

7) Following points arise for determination and I record my findings thereon with reasons as under:

Sr.No.	Points	Findings
1)	Whether the applicant is entitled for the legal dues as claimed ?	Yes
2)	What Order and Award ?	As per final order.

REASONS

As to point No. 1:-

8) By filing his affidavit vide Exh. 7 on record, the applicant has reiterated the facts in his claim. He has also filed some documents with his affidavit to show that he was working with M/s. Silver Star Distillery i.e. the respondent since 2016. In his deposition, he has deposed that he was working with the company since 23.09.2016 till 13.10.2022 when some electric issue regarding the forklift arose and the owner of the company Mr. Krunal Tandel abused him in filthy language and threatened him that he will beat him if he attend his duty thereafter. The applicant thereafter informed the said incident to Labour officer Mr. Chauhan. According to the reference the amount which the claimant had asked as Rs. 2,95,608 towards full and final settlement. However at the time of filing claim he has claimed just Rs. 1,47,613/- as he received some amount from the respondent in between. The applicant has claimed for salary Rs. 19,000/-, notice pay Rs. 38,000/-, gratuity Rs. 54,808/-, retrenchment allowance Rs. 54,808.

9) The evidence of the applicant reveals that he was forced from coming to the company which amounts to illegal termination. Hence he is entitled for the allowances as per law.

10) Evidence reveals that the claimant was retrenched without any notice. Therefore he is entitled for notice pay as prayed. He was working with the company for a period of six years. Therefore he is also entitled for gratuity. As per the Payment of Gratuity Act, 1972 the worker who completes service of five years is entitled for gratuity. The gratuity is calculated in the following equation:

$$G = \frac{n \times b \times 15}{26}$$

n: Tenure of continuous service

b: Last drawn salary,

15/26: 15 days of salary for every completed year divided by 26 working days in a month.

11) The last drawn salary of the applicant was Rs. 19,000/- and his continuous service was six years. Therefore the amount of gratuity comes to Rs. 65,769/-. However, by deducting the amount which the claimant has received from the respondent, the applicant must have calculated the amount of gratuity as Rs. 54,808/-.

12) As per section 25-F of the Industrial Disputes Act, 1947, at the time of retrenchment, compensation equivalent to 15 days average pay for every completed year of continuous service has to be paid to the workman. Therefore, the applicant is also entitled for retrenchment allowance which comes to Rs. 54,000/- and notice pay of Rs. 38,000/-.

13) The applicant has asked only that much amount which he is entitled to (by deducting the amount which the respondent has paid). The evidence of the applicant has remained unchallenged due to absence of the respondent. Even the applicant has not asked for any exorbitant amount. His claim is legal. Therefore his claim deserves to be allowed. The conduct of non appearance of the respondent before the Court shows that they have nothing to say about the claim of the applicant, therefore avoided to contest the claim.

14) Considering all the above discussion, the claimant is entitled for an amount of Rs. 1,46,808/- from the respondent. Accordingly I answer point No. 1 in the affirmative.

As to point No. 2:-

15) The claimant-applicant has been constrained to approach the Court to receive his legal dues. Hence it will be just and proper to grant the amount with interest @ 10% per annum from the date of reference till its realization. The interest amount @ 10% on amount Rs. 1,46,808/- from the date of reference to date of this order comes to Rs. 29,361/-. Hence, the claimant is entitled for an amount of Rs. 1,76,169/- from the respondent. It is also expedient to grant further interest @ 10% on Rs. 1,46,808/- from the date of order till its realization. Accordingly in answer to point No. 2 I pass the following order:

ORDER

- (1) The reference is answered in the affirmative.
- (2) The respondent is directed to pay an amount of Rs. 1,76,169/- (Rupees One Lakh Seventy Six Thousand One Hundred & Sixty Nine Only) to the applicant.
- (3) The respondent shall pay further interest @ 10% on Rs. 1,46,808/ (Rupees One Lakh Forty Six Thousand Eight Hundred & Eight Only) to the applicant from the date of order till its realization.
- (4) A copy of the award be sent to the Commissioner (Labour) for its publication and a copy be sent to the respondent for execution of the order.

Date: 21.07.2026

Daman

Sd/-
(Pranita P. Bharsakade-Wagh)
Labour Judge, Daman

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

No. LE/LI/DMN/Fact-4(7)/2016-17/2026/257

Date: 04/08/2026

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

With reference to the above cited subject, Award received from I/c. Superintendent, Civil Court (S. D.), Daman in IDR No. 03/2017 dated 09.07.2026 of M/s. Vikas Vinyl Industries V/s. Mahendrakumar Mulchand Jain is here by publish in the Official Gazette of this UT Administration of Dadra & Nagar Haveli and Daman & Diu for general information.

Sd/-
(Aarti Agrawal)
Dy. Director-cum-Dy. Secy. (Labour)
DNH & DD

CNR UTDD010004452017

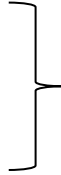


Received on : 26/05/2017
Registered on : 29/05/2017
Decided on : 09/07/2026
Duration : Yrs. Ms. Ds.
09. 01. 11.

IN THE COURT OF THE LABOUR JUDGE, At: DAMAN
(Presided over by Pranita P. Bharsakade-Wagh)

I.D.R No. 3/2017**Exh. No. 30**

M/s Vikas Vinyl Industries,
Survey N. 701/4,
Shri Siddhivinayak Industrial Estate,
Somnath Road,
Opp. Somnath Temple,
Nani Daman.



.....First Party.

V/s.

Mahendrakumar Mulchand Jain,
Aged about 54 years,
R/o Jin Darshan Apartment,
Nehru Street, Vapi, Dist. Valsad.



.....Second Party.

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

Appearance: Advocate Mr. S.S. Modasia, for the First Party.
Advocate Mr. Naveen Sharma, for the Second Party.

LD.R.No. 03/2017

AWARD(Delivered on 9th Day of July, 2026)

This is a reference received from the Commissioner (Labour) under section 10 (1) (c) of The Industrial Disputes Act, 1947 (hereinafter referred to as "The Act). It has been stated in the reference that an industrial dispute exists between M/s. Vikas Vinyl Industries and its workman Shri Mahendrakumar Mulchand Jain. The management of the company and the workman were called for conciliation. Both the parties had appeared for conciliation. However, no conciliation could be reached out during the conciliation proceeding. Hence the Conciliation Officer has made this reference to the Labour Court to decide the issue "Whether the applicant comes under the definition of a workman? If Yes, what relief the workman is entitled to?"

2) After receiving this reference, notices were sent to both the parties. Accordingly, both the parties appeared.

3) The second party claimant filed his statement of claim vide Exh. 6. Wherein he has stated that he was an employee of the first party company since 01.04.2006 and was working as a worker in the company. However, without giving any notice or assigning any reason, the first party terminated his services on 17.10.2015. His last drawn salary was Rs. 938/- per day i.e. Rs. 24,400/- per month of 26 days. His services was terminated illegally and arbitrarily that too without following due process of law. Hence the claimant prayed that it be held that the second party workman is illegally and wrongfully terminated from service by the first party and also prayed to set aside the dismissal of the second party. The second party has also prayed for reinstatement in the employment of the first party with continuity of the service and seniority with full back wages w.e.f. 17.10.2015.

4) The first party filed reply to the statement of claim of second party vide Exh. 20. The first party denied that the second party is covered under the definition of workman. The first party has said that the second party was an employee of the first party who was working as a manager in the first party company and was looking towards the management of the company. He was getting much higher salary than other employees due to the designation and his work. Therefore, the present dispute is not maintainable in the eyes of law. The first party has even denied the termination of services of second party on 17.10.2015. It is stated that the second party stopped coming to work voluntarily and remained continuously absent without obtaining leave since 17.10.2015. Therefore, the first party has prayed to dismiss the claim of the second party.

5) On the basis of the statement of claim of the second party and reply of the first party to the statement of claim following points for determination were framed by my learned predecessor. I have reproduced them alongwith my findings thereon with reasons as under:

Sr. No	Points	Finding
1)	Whether the second party comes under the definition of workman?	Yes
2)	Whether the second party is illegally terminated from his service by first party company?	Yes
3)	Whether the second party is entitled for reinstatement?	Yes
4)	What Award and order?	As per final order

REASONS

As to point No.1 to 4:

6) In order to prove his claim, the second party has filed his affidavit vide Exh. 21. Wherein he has testified that the first party is a reputed company engaged into the manufacturing of PVC film. The second party was employed in the company since April, 2006 as a worker and his last drawn salary was Rs. 938/- per day i.e. Rs. 24,400/- per month of 26 days. However, the management of first party terminated his services on 17.10.2015 when he resumed duty in the morning shift at 08.00 a.m. without

any proper grounds and without paying his legal dues. He further deposed that he was working sincerely for almost nine and half years in the first party. However, he was illegally removed from employment and prevented from entering into the factory by the employer. Therefore he filed an application before the Labour Officer on 03.05.2016 requesting him to do justice. The Labour Officer called the first party and the second party for hearing on several occasions but the matter could not be resolved and hence the Labour Commissioner referred the said dispute for adjudication.

7) It is further deposed by the second party that he used to work even in the week end i.e. on Sunday because the first party asked to do so. The first party pressurized him to work on Sundays. He worked under the fear of losing job. On 16.10.2015 when he requested the first party to pay for Sunday then all of a sudden the first party got angry and started shouting on him and said that he may search another job and the company is not going to pay for Sunday and the first party asked him to resign. On next day i.e. on 17.10.2015 when he reached at the work place the first party did not allow him to enter into the work premises and told that there is no job for him. The first party wrongfully, forcibly and illegally terminated his service without paying his legal dues. After the dismissal the second party is rendered jobless for 20 months and could not get any employment even after trying his best. Therefore, he deposed that his claim of back wages, gratuity, bonus, leave salary and notice pay is proper and justified.

8) In spite of giving sufficient opportunity the first party failed to conduct cross-examination of the second party claimant. Therefore, the evidence of second party claimant has remained unchallenged. The definition of "workman" is provided in section 2(s) of the Industrial Disputes Act, 1947. It reads as under:

"workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person-

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who, being employed in a supervisory capacity, draws wages exceeding [ten thousand rupees] per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.]

9) It is the contention of the first party that the second party claimant was working in a managerial capacity. However the first party has failed to bring any evidence regarding it. Moreover, the first party has even failed to cross-examine the second party. Therefore, the evidence of the second party has remained unchallenged. Even though he is getting wages extending Rs. 10,000/-, he has specifically stated that he was not working in managerial capacity. The fact that he was working as a workman in the first party company has remained unchallenged. Therefore, there is no impediment to hold that the second party was working as a workman with the first party.

10) The second party has deposed about his termination without any notice and without following due procedure of Law. Therefore his termination is illegal and unjustified. The conduct of the first party, not appearing before the Court and not contesting the matter, goes to show that the first party has no evidence to contest the matter. Considering all these aspects I hold that the second party comes under the definition of workman and he is illegally terminated from his service by the first party, therefore the second party is entitled for reinstatement with 50% of back wages. Accordingly, I answer the points for determination No. 1 to 3 in the affirmative and in answer to point No. 41 pass the following order.

ORDER

- (1) The reference is allowed.
- (2) The dismissal of the second party Mahendrakumar Mulchand Jain by the first party M/s Vikas Vinyl Industries is hereby set aside.
- (3) The first party company is directed to reinstate the second party in the employment of the first party with continuity of the service and seniority with 50% of back wages w.e.f. 17.10.2015.
- (4) A copy of the award be sent to the Commissioner (Labour) for its publication.

Date: 09/07/2026
Daman

Sd/-
(Pranita P. Bharsakade-Wagh)
Labour Judge, Daman

