



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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संघ प्रदेश प्रशासन / UT Administration of
दादरा और नगर हवेली और दमण एवं दीव
Dadra & Nagar Haveli and Daman & Diu
समाहर्तालय, पहली मंजिल, जिला सचिवालय, सिलवासा
Collectorate, First Floor, District Secretariat, Silvassa

No. ADM/LAW/0041/DHSTF-DNH/2026/1896

Date: 24/09/2026

ORDER

In pursuance of the Hon'ble Supreme Court of India's Order Dated 13/04/2026 passed in Suo-Moto Writ Petition (Civil) No. 9 of 2025 (In Re: Phalodi Accident vs. National Highways Authority of India & Others) and letter of Supreme Court Committee on Road Safety No. 10/CoRS/2026 Dated 13/05/2026, the District Highway Safety Task Force for the Dadra & Nagar Haveli District is hereby constituted to look into the safety of National Highways, comprising of the following officials/members:

- | | |
|---|------------------|
| 1. District Magistrate / Collector, DNH | Chairperson |
| 2. Superintendent of Police, DNH | Co-Chairperson |
| 3. Superintendent of Police (Traffic), DNH | Member |
| 4. Chief Officer, Silvassa Municipal Council | Member |
| 5. Chief Executive Officer, District Panchayat | Member |
| 6. Executive Engineer, PWD (Road Division) | Member-Secretary |
| 7. Assistant Motor Vehicle Inspector, Transport Department, DNH | Member |
| 8. Land Acquisition Officer, DNH | Member |
| 9. Competent Officer of NHAI concerned with the National Highway stretch in the Dadra & Nagar Haveli District | Member |

Terms of Reference and Mandate of the Task Force:

- 1) **Fortnightly Review Meetings:** The Task Force shall meet once every fortnight to review the status of highway safety, parking violations, and encroachment removals.
- 2) **Accident Prevention:** The Task Force shall take up initiatives of identifying and rectifying accident-prone “Black Spots” and ensuring proper road lighting, signage and crash barriers.
- 3) **Encroachment Demolition:** The Task Force shall identify and execute the absolute removal or demolition of any new or existing unauthorized structures within the Right of Way (RoW) of the National Highways.
- 4) **Land Use Regulation:** The Task Force shall assist in implementing statutory notifications as issued by the Government from time to time regarding prohibition of any change of land use along any National Highway.

Sd/–
(Priyank Kishore)
District Magistrate
Dadra & Nagar Haveli

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-46/2020/2026/353

Date: 05/10/2026

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. 08/2020 dated 08.09.2026 issued by Hon'ble Presiding Officer/ Labour Judge, Daman in the matter of M/s. Khosla Profil Pvt. Ltd., V/s. Vrajlal Shankarbhai Mitna 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: UTDD010009842020



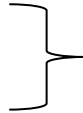
Received on : 21/12/2020
 Registered on : 22/12/2020
 Decided on : 08/09/2026
 Duration : Yrs. Ms. Ds.
 05. 08. 17.

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

I.D.R No. 12/2018

Exh. No. 42

M/s. Khosla Profil Pvt. Ltd.,
 Plot No. 10, Srv. No. 168,
 Dabhel Co-Operative Industrial Society,
 Dabhel, Nani Daman..



.....First Party.

V/s.

Vrajlal Shankarbhai Mitna,
 Aged about: 58 years,
 R/o Kumbhar Faliya, Varkund Faliya,
 Varkund, Nani Daman.



.....Second Party

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

Appearance: Advocate Mr. C.K. Modasia, for the first party.
 Advocate Mrs. Smeeta Surati, for the second party.

AWARD

(Passed on 8th Day of September, 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').

2) It has been stated in the reference that an industrial dispute exists between M/s Khosla Profil Pvt. Ltd. and its workman Shri Vrajlal Shankarbhai Mitna. The management of the company and the workman were called for conciliation on 15.09.2020, 25.09.2020 and 07.10.2020. On 25.09.2020, both the parties were present. It was stated by the applicant that the management is not paying increment/wages as entitled and is paid at the rate less than the increments paid to the helpers in the same unit. The management stated that the applicant is getting more than the rates fixed under the Minimum Wages Act, 1948 and his increments are based on his overall performances. Also, the management is providing him leave and bonus as per the law. On 07.10.2020, both the parties were present. The applicant stated that he wants the equal salary on par with other similar persons working on the same position. He has further submitted a letter dated 05.01.2020 stating that he is entitled for an amount of Rs. 5,27,002/- towards the difference of increments/wages/salary/leave/bonus. However, the management has reiterated their earlier stand that the applicant is being paid increments according

to his performance. Both the parties were adamant in their stand and therefore no amicable solution could be reached during the Conciliation proceedings. Hence the Conciliation Officer has made this reference to the Labour Court to decide the issue “Whether the demand of applicant Shri Vrajlal Shankarbai Mitna towards his increment is justified? If yes, what relief the workman is entitled to?”

3) After receiving this reference, notices were sent to both the parties. Accordingly, both the parties appeared. The second party claimant filed his statement of claim vide Exh. 5. Wherein he has stated that the first party is an employer of the claimant and hence there exist a relationship between them as employer-employee and hence the parties are governed by the provisions of Industrial Disputes Act, 1947 and other Labour Laws. The claimant learnt that the management of first party company is paying less salary to him as compared to other labours. The claimant objected to it. But the manager of the company did not listen to him. Therefore, the claimant demanded his legal dues if the company is not willing to continue his employment. But the management is not willing to pay the difference amount to the claimant. It is stated that the first party deliberately paid him monthly salary less than other employees. The claimant many times requested and made correspondence with the first party company but representative of first party company did not give any response. The claimant's date of joining service is 01.02.2001. His total service is about 20 years till September, 2021. In April, 2020, the other workers was getting salary of Rs. 20,000/- to 22,000/- and the claimant was getting salary of Rs. 15,650/-. There was a difference of Rs. 4,350 in the salary. The claimant has given schedule of dues as under:

Salary	Rs. 4350/- x 216 month	Total Rs. 9,39,600/- divided 1/2	Rs. 4,69,800/-
Leave Salary	Rs. 4350/- divided 26 day x 216 month divided 1/2	Rs. 18138/-	Rs. 18138/-
Bonus	Rs. 469800/-8.33%	Rs. 39134/-	Rs. 39134/-

4) Hence the claimant prayed that he is entitled to get the aforesaid legal dues from the first party company and also prayed that he is entitled to receive the dues from the first party company as stated in the schedule of dues with interest @ 10% pm on the said amount.

5) The first party filed reply to the statement of claim of second party vide Exh. 14. The first party has stated that the claim filed by the claimant is regarding increment of wages and the present dispute does not fall within the purview of Industrial Disputes Act. Hence this Court has no jurisdiction to try and entertain the present claim. If the worker is disputing the wages of salary then the workman ought to have approached the competent authority as prescribed under minimum Wages Act. It is further stated that the second party is getting more than minimum wages and secondly, he is getting increment based upon overall performance keeping in mind his production output, regularity in work and behaviour with senior staff and subordinate. The second party being a local person in company also tried to give threat to production manager and subordinate workers and disturbs the work culture of the company which is not acceptable. The second party comes under semi-skilled worker category and as

per Minimum Wages Act, he is getting more salary than the prescribed salary. As per company's policy all the workmen are getting increment as per confidential report of the production manager and supervisor. The claimant used to remain absent for 7-10 days in every month without approval of the senior official/HR department which is a serious misconduct on his part. The claimant joined the company namely Purity Techtextile Pvt. Ltd. in the year 2001 and thereafter all the workers were paid the full and final settlement amount in the year 2008. The second party was appointed in sister concern company Purity Techtextile Pvt. Ltd. on 01.04.2008 and subsequently he was transferred to first party company on 01.04.2014 with continuity of service and hence he is employee of the company since 01.04.2008 which is 14 years. The claim raised by the second party claimant is totally illegal, false, misconceived and not maintainable as per law. Therefore, the first party has prayed to dismiss the claim of the second party.

6) 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 for determination	Findings
1)	Whether the demand of Second Party Workman towards his increment is justified? If yes, What relief the workman is entitled to ?	No.
2)	Whether the Second Party Workman is entitled to get his legal dues from First Party Company?	No.
3)	Whether the Second Party Workman is entitled for interest on aforesaid legal due? If yes, to what rate ?	No.
4)	What Order and Award?	As per final order.

REASONS

As to point No. 1 to 4:

7) The second party claimant has filed his affidavit in lieu of examination-in-chief vide Exh. 20. Wherein he has reiterated his claim. The main contention of the claimant is that he is not getting increment at par with his fellow employees. However, The Act does not provide any universal formula or statutory mandate for increments in the salary of workers. The increments are decided on the basis of the performance of the workers. It has been stated by the first party that the increments are based upon overall performance keeping in mind the worker's production output, knowledge of material, regularity in work, behaviour with superior and subordinate, knowledge of work culture etc. and accordingly after the evaluation his increments are decided and the worker Vrajlal Shankarbhai Mitna comes under an average category.

8) In his cross-examination, the claimant has deposed that his last drawn salary was Rs. 16,650/- per month in the year 2022. He admitted that the company had given a show cause notice to him for his absence from duty. He has also admitted that he used to do the work of stitching clothes in the company and workers Nilesh Ishwar Patel, Sukhen Patel, Ashish Mitna, Bhavik Mitna, Sunil Bansod used to work with him from 2019 to 2020. He has also admitted that he got increment of Rs.1000/- in the year 2019-2020, Sukhen got increment of Rs.1200/-, Ashish Mitna and Sunil Bansod also got increment of Rs.1000/-. It was suggested to him that company used to give increments on the basis of performance of the workers which he had denied. However, it has been argued that the first party used to give increments on the basis of the performance of each worker.

9) There is no provision/ rule in the Act for increment. It is not the case of the claimant that he was getting less salary than the minimum wages. Even he has admitted in his cross-examination that he was not getting less salary than the minimum wages. Though it has been mentioned in his affidavit about legal dues, he has denied that he had asked for his legal dues from the company. Thus the claim and affidavit of the claimant transpires that the entire dispute of the claimant is regarding the increment. It has been argued on behalf of the claimant that other workers were getting more increment than that of the claimant.

10) According to the first party, the increments are based upon the performance of the worker. It has been argued that the second party claimant used to remain absent in each month and his performance was also not at par with other workers who were doing the same job of stitching. In support of his argument, the learned advocate for the first party has relied upon the pay slips of the claimant for the month of February, 2022 to June, 2022 at Exh. 24. Those pay slips show that the claimant was absent for 18 days in the month of February, for 11 days in the month of March, for 05 days in the month of April, 09 days in the month of May and 07 days in the month of June. The first party has also filed the statement of increment of second party from 2008-2009 to 2019-2020. Wherein it shows that from time to time the increment of the claimant has been increased by the first party. In the year 2017-2018 the first party has granted increment of Rs. 1,400/ whereas in the year 2018-2019 increment is given of Rs. 1250/- and in the year 2019-2020, Rs. 1000/- increment is granted. It shows that the increment is not constantly in the increasing range. It means increments are granted on the basis of performance/productivity. The first party has also produced list of workers showing their increment in the year 2019-2020. In the said list it is seen that in the category of tailor one employee namely Nilesh Patel got increment of Rs. 700/-. Whereas increment of the claimant Vrajlal Mitna is Rs. 1000/- and increment of some of the employees (tailors) is Rs. 1300/- or 1200/-. Therefore it cannot be said that the first party company has deliberately given less increment to the claimant. It transpires from the list that the increment is granted on the basis of the performance of each of the worker. Moreover the increment cannot be claimed as of right. As there is no provision or rule of law regarding granting increment at a specific rate, it is the lookout of the employer as to what considerations or factors should be considered while granting the increment.

11) The salary slips at Exh. 24 itself show that the claimant used to remain absent from his duties for a considerable time. Therefore his increment might have been assessed on the basis of his work and other factors as stated by the first party in the reply. Apart from it, the yearly increment granted to the claimant is not grossly less in comparison to the increment granted to other workers of his category i.e. tailor. It has been stated in the reply by the first party that the second party is getting more than minimum wages and he is getting increment based upon overall performance keeping in mind his production output, knowledge of material, regularity in work, behaviour with superior and subordinate, knowledge of work culture etc. Therefore considering all these aspects it proves that the first party was granting the increment on the basis of the performance of each worker. It is not the deliberate act of the first party of granting less increment to the claimant. The claimant cannot claim the increment as of right as stated by him. Therefore the demand of second party claimant towards his increment is not justified. Hence he is not entitled for the relief claimed. Accordingly, I answer the point for determination No. 1 to 3 in the negative and in answer to point No. 4, I pass the following order.

ORDER

- (1) The reference is answered in the negative.
- (2) A copy of the order be sent to the Commissioner (Labour) for information and necessary action.

Date : 08.09.2026
Daman

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