

A/C  
Before Sh. Ramesh Ahuja, Assistant Labour Commissioner, Circle-2  
Gurgaon.

Amit Kumar

Vs

M/s Magsons Exports  
Gurgaon

R-4

Written Comments on behalf of Respondent M/s Magsons  
Exports Gurgaon in the demand notice dated 1.10.2014  
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Sir,

The Respondent management respectfully submits as under :-

Preliminary objections :-

- 1 That a demand notice u/s 2- A of the I.D. Act 1947, is maintainable only when the service of workman has been dismissed, terminated or retrenched. In the absence of termination of service of workman by the employer, a demand notice u/s 2- A of the I.D. Act is not maintainable in the eyes of law. In the present case the service of workman never been terminated by the management rather the workman tendered the resignation on 5.9.2014 to pay his full & final payment accordingly his request was accepted and the workman was paid his full & final payment of Rs. 17373 /= on 5.9.14 as per provisions of law. The workman executed the vouchers in receipts of amount beside this a settlement also took place between the workman & management duly signed by both the parties in presence of witness.
- 2 That the demand notice has been raised only to harass & extract more money from the respondent management.

On Merits :-

That the contents of demand notice is wrong and denied. It is vehemently that the management terminated the service illegally on 5.9.2014. As per record of the respondent company the date of appointment is 2.4.12. The designation & monthly pay are not disputed as the same are correct.



In fact, the workman tendered the resignation on 5.9.2014 to pay his full & final payment and accordingly his request was accepted and the workman was paid his full & final payment of Rs. 17373 /= on 5.9.14 as per provisions of law.

The workman executed the vouchers in receipts of amount beside this a settlement was also executed between the parties.

That the workman during the conciliation proceeding admitted the signature on the resignation letter and also admitted the receipts of full & final payment. This itself shows the act & conduct of workman that he wants to extract more money from the management. It is well settled law that the resignation once tendered & accepted, can not be challenged or withdraw subsequently.

The rest of the para's of demand notice are totally false, fictitious, malafide and same are not tenable in the eyes of law. It is further submitted that the management has not committed any unfair labour practice or principal of natural justice.

In view of the above submission it is earnestly requested that the present demand notice may be filed / rejected out rightly. Alternatively it is requested that it may be strongly recommended to the govt that the present demand notice is not fit for reference to the labour court for adjudication.

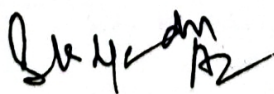
Enclosed :

Photo copies of the  
Above mentioned documents

Respondent

PRATAP SINGH

M/s Magsons Exports  
Gurgaon through its  
Authorized Signatory



Through : S.K. Yadav & Pardeep Yadav  
Authorized Representative