

BEFORE SHRI -----, LABOUR OFFICER-CUM-
CONCILIATION OFFICER, SERCLE-1, ROOM NO.407, FORTH FLOOR,
MINI SECRETARIET, GURGAON (HARYANA)

RW 1/2

IN THE MATTER OF:

SHRI SANJEEV KUMAR

.....CLAIMANT

VERSUS

M/S RICHA & COMPANY

.....MANAGEMENT

WRITTEN STATEMENT ON BEHALF OF MANAGEMENT M/S RICHA &
COMPANY, IN REPLY TO DEMAND NOTICE FILED BY THE CLAIMANT
SHRI SANJEEV KUMAR UNDER SECTION 2-A OF INDUSTRIAL
DISPUTES ACTS, 1947, DATED 16.09.2014

MOST RESPECTFULLY SHOWETH:

Before giving reply parawise to the demand notice filed by the claimant,
the replying management wishes to raise certain preliminary objections which
may kindly be considered before proceeding on the merit of the demand notice
filed by the claimant.

PRELIMINARY SUBMISSIONS:

1. That the whole claim as well as demand notice filed by the claimant
before this Hon'ble Authority inter-alia claiming reinstatement, continuity of
services with back wages from the replying management is wholly misconceived,
illconceived, baseless and liable for outright rejection. There is no any merit in
the claim as well as demand filed by the claimant for claiming reinstatement,
continuity of services with back wages as vaguely claimed by the claimant from

himself w.e.f.19.08.2014 without giving any prior intimation to the replying management. In view of submission made hereinabove, it is very much clear that the whole demand notice of the Claimant alleging illegal termination of his services by the Management is wholly misconceived, baseless, false, untenable and liable to be rejected. In the preset case, there was no termination of services of the Claimant at all, as falsely alleged by him in his demand notice filed before this Hon'ble Authority on the other hand it is submitted that the claimant himself abandoned his job and neither reported for his duty thereafter) Hence it is a clear cut case of abandonment from the services and not a termination of services of the claimant as alleged by the claimant in the demand notice. Therefore the whole demand notice filed by the claimant is liable for outright rejection at threshold as the same is not maintainable on this ground alone.

3. Without prejudice to the submissions made hereinabove, it is further submitted that the provisions of section 2-A of the Industrial Disputes Act, 1947 is nowhere attracted in the present case as the management has neither terminated the services of the claimant nor has taken any action against him as vaguely alleged. Therefore, the whole demand notice filed by the claimant is liable to be rejected outrightly.

Without prejudice to the submissions made hereinabove in the preliminary objections in addition to the same reply parawise to the demand notice has been given as under:-

PARAWISE REPLY ON MERIT:

1. Contents of para 1 of the demand notice is wrong, misconceived and denied. The date of employment, designation and last drawn salary of the

That the contents of para 2 of the demand notice are wrong, misconceived and denied. It is denied that the replying management has terminated the services of the claimant as vaguely alleged. In this regard it is pertinent to mention here that the claimant abandoned the job himself w.e.f.19.08.2014 without giving any prior intimation to the replying management. Therefore the allegation made by the claimant that the management has terminated his services is totally false, baseless and denied in toto. It is further submitted that since the replying management nowhere taken any action against the claimant. Therefore there is no requirement for the replying management to assign any reasons as alleged by the claimant. The replying management has never violated any provision of law as vaguely alleged by the claimant.

3. Contents of para 3 of the demand notice are wrong, misconceived and denied. It is denied that the claimant was never intending to leave the job as vaguely alleged. As submitted hereinabove that the claimant the claimant abandoned the job himself w.e.f.19.08.2014 without giving any prior intimation to the replying management. Therefore the allegation made by the claimant that the management has terminated his services is totally false, baseless and denied in toto. In view of this the allegation made by the claimant in the para under reply that the management has terminated his services is not only wrong but baseless as an afterthought hence the same are denied at all.

④ Contents of para 4 of the demand notice are wrong, misconceived and denied. It is wrong to allege that the claimant has been called by the management and has been asked by the management to take his full and final settlement of dues as vaguely alleged. It is further wrong to allege that the management has told the claimant that there was no work for him and he was

5 job and never reported thereafter, therefore his demand for reinstatement with continuity of service does not arise at all.

5. Content of para 5 of the demand notice is matter of record. However it is submitted that the replying management has never violated any provision of law as vaguely alleged by the claimant in the para under reply.

6. Content of para 6 of the demand notice are wrong, misconceived and denied. It is wrong to allege that the management did not pay salary and overtime wages on the time prescribed by law and with intention to criminal misappropriation of the worker's salary and its interest as vaguely alleged. It is further wrong to allege that the management repeatedly called the claimant in the factory and did not pay him and harassed him physically and mentally as vaguely alleged. In this regard here it is pertinent to mention here that the entire allegation made by the claimant in the para under reply is totally baseless, concocted and as an afterthought hence denied in totality. In view of submission made hereinabove, it is very much clear that the whole demand notice of the Claimant alleging illegal termination of his services by the Management is wholly misconceived, baseless, false, untenable and liable to be rejected. In the preset case, there was no termination of services of the Claimant at all, as falsely alleged by him in his demand notice filed before this Hon'ble Authority on the other hand it is submitted that the claimant himself abandoned his job and neither reported for his duty thereafter. Hence it is a clear cut case of abandonment from the services and not a termination of services of the claimant as alleged by the claimant. It is further wrong to allege that the claimant is unemployed as vaguely alleged. In any view of the matter the factum of the

Wage Register

Contents of the prayer clause of the demand notice are wrong, misconceived and denied. The whole demand notice filed by the claimant against the replying management is wholly misconceived, ill-conceived, baseless and liable for outright rejection. It is submitted that the provisions of section 2-A of the Industrial Disputes Act, 1947 is nowhere attracted in the present case as the management has nowhere terminated /retrenched the services of the claimant as vaguely alleged. In fact it is pertinent to mention here that the claimant abandoned the job himself w.e.f. 19.08.2014 without giving any prior intimation to the replying management. In view of submission made hereinabove, it is very much clear that the whole demand notice of the Claimant alleging illegal termination of his services by the Management is wholly misconceived, baseless, false, untenable and liable to be rejected. In the present case, there was no termination of services of the Claimant at all, as falsely alleged by him in his statement of claim filed before this Hon'ble Authority on the other hand it is submitted that the claimant himself abandoned his job and neither reported for his duty thereafter. Hence it is a clear cut case of abandonment from the services and not a termination of services of the claimant as alleged by the claimant in the statement of claim. Therefore the whole demand notice filed by the claimant is liable for outright rejection at threshold as the same is not maintainable.

PRAYER

In view of the aforesaid it is most respectfully prayed that this Hon'ble Authority may be pleased to:

- a. Dismiss the demand notice filed by the Claimant and an order be passed in favour of the Management and against the Claimant; and in that behalf,

Circumstances of the present case.

For & on behalf of the replying management
M/S. RICHA & COMPANY



(AUTHORISED SIGNATORY

VERIFICATION:

Verified, at Gurgaon on 31st day of December, 2014 that the contents of the above reply to the demand notice bearing the paras No.1 to 6 are true and correct to the best of my knowledge and belief and based upon the records of the management. That the contents of the preliminary submissions bearing paras No. 1 to 3 are true and correct on the basis of the legal advice received and believe to be true and correct. No part of it is false and nothing material has been concealed there from.

For & on behalf of the replying management
M/S. RICHA & COMPANY



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