

IN THE COURT OF PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CUM LABOUR COURT
GURUGRAM,

██████████ Kumar

V/s.

Richa & Company

Ref No. R524/2015

52/2015

M/s. Application for leading Additional Evidence

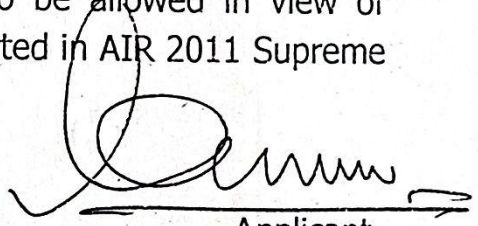
Sir,

In the above mentioned case, this Honorable Court has ordered to close the Evidence of the management on 16.01.2020.

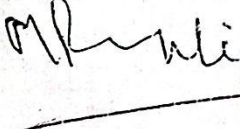
1. That management in fact has to summon the records of the employer M/s. Unique Collection, Plot No. 29/30 Phase IV, Udhog Vihar, Gurgaon in which the workmen said to have worked but the details of the period for which the workmen had worked was not known and has to be collected from the relevant employer. The records of attendance and payment of salary for the period the workmen remained in their service has now been downloaded from the site and are placed on record. As per Evidence Act Section 65(B) if any record is downloaded from the site is permissible in evidence.
2. That the Petitioner could know and get the details of the records now proposed to be ^{produced} evidence after 16.01.2020. Therefore, the evidence now proposed to be led as Additional Evidence was not in the knowledge of the applicant, ^{earlier} though the same is essential to bring on record for the sake of justice.

It is therefore prayed that permission to lead Additional Evidence in respect of the documents details below ~~on placed on record~~ may order to be allowed in view of provision of law laid down by the Apex Court in the case reported in AIR 2011 Supreme Court Page 100.

Dated : 1 member of P.F. Unique
Collection
2 Employees under ESI
Contribution details
to Chandan Kumar
in s/o SST Unique
Collection


Applicant

Through AR





ESIC Employees' State Insurance Corporation

Employee Details

User Login: 6928887979

Employee Details

Employee Name:	[REDACTED]	Insurance Number:	[REDACTED]
UHID Number:	Dwar:0000100112	Date of Birth:	- NA -
Dispensary Name:	Dwarka, DL (ESIC Disp.)	Disability Type:	[REDACTED]
Registration Date:	03/04/2019	First Date Of Appointment:	- NA -
Current Date of Appointment:	[REDACTED]	Phone Number:	- NA -
Pehchan Done:	NO	Pehchan Processed Date:	- NA -
Printing Done:	NO	Printing Date:	- NA -
No of Duplicate Cards Done:	- NA -	Latest Duplicate Card Date:	- NA -
Latest Duplicate card Request Location:	- NA -	Latest Duplicate Card Delivery Location:	- NA -
Dispensary Name For Family:	Dwarka, DL (ESIC Disp.)		

Employee

- [Employee Details](#)
- [Entitlement to Benefits](#)
- [Contribution Details](#)
- [Status of the Claim](#)
- [Dhanwantri - Your e-Health Records](#)
- [Beneficiary Feedback Form](#)
- [Atal Beemti Vakti Kalyan Yojana Claim creation](#)



ESIC Employees' State Insurance Corporation

Employee Details

Login User: 6928887979

Ip-Details

Insured Person's Particulars

1.(a) Is IP Disabled:	No	1.(b) Type of Disability:	
2. Name :		3. Name of Father/Husband	
4. Date of Birth:	01/03/1988	6. Gender:	M
5. Marital Status:	Married		
7. Present Address	VPO - KAPASHERA		
Address :		Pin Code:	
		Phone No.:	
		Mobile No.:	
		Email:	
State:	Delhi		
District:	New Delhi		
8. Permanent Address	VILL - GOPALPUR		
Address :		Pin Code:	
		Phone No.:	
		Mobile No.:	
		Email:	
State:	Bihar		
District:	Bhagalpur		

9. Dispensary/IMP:

Disp/IMP Name:	Dwarka, DL (ESIC Disp.)	Address:	ESIC Dispensary, Dwarka Sec-7, Plot No. 20, Opp. Shruti Apartment, New Delhi, 110075, Phone:011-25088415
State:	Delhi	District:	New Delhi

10. Nominee Details of Insured Person:

Name :		Relationship with I.P :	Spouse
Address :	VILL - GOPALPUR	State :	Bihar
	POST - SATRAPUR	District :	Bhagalpur
		Pincode :	
Phone No. :		Mobile No. :	

11. Family Particulars of Insured Person:

Name	Date of Birth	Relationship	Residing With Employee	State	District
CHANDAKUMARI	01-01-1993	Spouse	Yes	Delhi	New Delhi

[REDACTED]

Vs.

Richa & Co.

Date of Hearing: 21.08.2019

EX-1

EVIDENCE BY WAY OF AFFIDAVIT

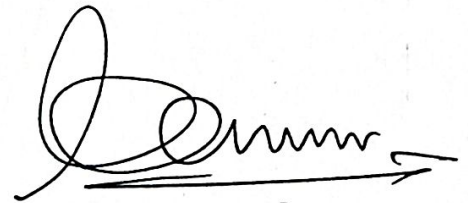
RW-1:

I, Satish Chandra Sharma working as Manager (HR & Compliance) with the Respondent firm do hereby solemnly affirm and declare as under:

1. That deponent is in the services of respondent firm service more than 25 years.
2. That deponent is well conversant with the facts of the case.
3. That deponent being working as a ^{Manager} HR & Compliance had appointed [REDACTED] [REDACTED] as Supervisor in Processing Department w.e.f 14.03.2013. Appointment Letter to this effect was issued and he had been working as Supervisor from the date of appointment till the date of his resignation from service w.e.f. 09.01.2015 Copy of resignation is EX. RW 1/1. The resignation was accepted vide intimation letter EX. RW 1/2. Cheque for payment of Rs. 6007/- (Six thousand seven only) was sent through registered post. Copy of same EX. RW 1/3.
4. That management has not terminated the petitioner from service but petitioner has himself terminated the lien from service, hence present reference of termination from service is not maintainable.

5. That the petitioner was appointed as Supervisor as stated above and this fact has admitted by the petitioner his statement of claim affidavit for evidence Exhibited on record EX PW 2, and Identity Card EX. PW1/A, and Pay Slip EX. PW1/B, meaning by the workman was working as Supervisor and was lastly receiving Salary of Rs. 11000/- (Eleven Thousand only) hence dispute is not maintainable.

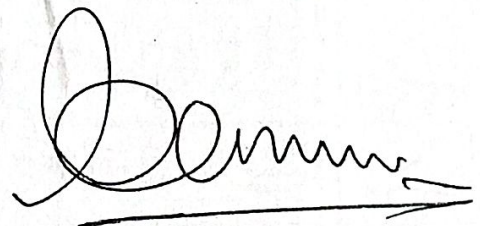
Place: Gurugram
Date: 20.08.2019



Deponent

Verification: Verified the the contents of above affidavit are true and correct to the best of my knowledge and belief and nothing has been kept concealed therein.

Verified on: 20.08.2019.
Place: Gurugram



Deponent

सेवा में

श्री मान प्रबन्धक महोदय
रिचार्जिंग कंपनी प्लॉट नं० 192
फेस I उद्योग विद्या गुडगाँव (हरियाणा)

विषय ⇒ (चांग) पत्र हैल

महोदय,

सविनय निवेदन है कि मैं पार्किंग कार्ड नं० PR-32636 है। कुछ आवश्यक कार्य पड जाने के कारण मैं जा रहा हूँ।

ExRw/11

अतः श्री मान जी से पार्किंग हैल के माफ़ी का इंतज़ार करने की कृपया

Do
Le
2/5

Date: 9/1/15

Accepted

ExRw/11, 2/5/15


9/1/15

Sanetia



richa & co

RECOGNISED STAR EXPORT HOUSE

Date :- 11-01-15

X

नाम

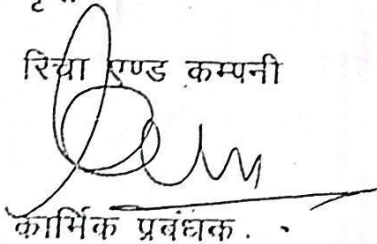
[REDACTED]

[REDACTED]

आपका त्याग पत्र दिनांक 09.01.15 तुरन्त प्रभाव से स्वीकृत कर लिया गया है आप किसी भी दिन अपना हिसाब खाता विभाग से प्राप्त कर ले ।

कृते

रिचा एण्ड कम्पनी



कार्मिक प्रबंधक

Rx RW 1/2

No
le
2/8

CC.

[REDACTED]

भारतीय डाक



India Post

REGISTRATION NO. 57 MARIKKA INDIA

REGISTRATION NO. 57 MARIKKA INDIA

TECHNICAL OFFICE, GURGAON

From: RICH & CO, UDYOG VIHAR

GURGAON

Phone: 011-26112015, 18111

Website: 4.804Track on www.indiapost.gov.in

MANUFACTURERS & EXPORTERS

192, UDYOG VIHAR PHASE-I, GURGAON, HARYANA (INDIA)

TEL: 011-26112015, 2747300 FAX: 011-26112015

richa & co

(GOVT RECOGNISED STAR EXPORT HOUSE)

दिनांक:- 05-02-2015

EXR 1/3

P. S. Tewari

21/8/19

श्री [REDACTED]
[REDACTED]
यह पत्र हमारे पत्र दिनांक 11.01.2015 की निरन्तरता में है जिसमें आपको सूचित किया गया था कि आपका त्याग पत्र स्वीकार कर लिया गया है तथा आप अपने चुकता हिसाब के लिए लेखा विभाग से किसी भी कार्य दिवस में सम्पर्क करें। लेखा विभाग को भी आपके खाते के निपटान हेतु सूचित कर दिया गया था। खाता विभाग द्वारा सूचित किया गया है कि आपने आज तक अपना बैंक लेने के लिए खाता विभाग से सम्पर्क नहीं किया।

आपका चुकता हिसाब जो कि रु 6007/- बनता है जिसको बैंक नम्बर 492901 के द्वारा जो कि सिडिकेट बैंक नजफगढ़ रोड, किर्ती नगर नई दिल्ली -110015 द्वारा देय है के द्वारा भेजा जा रहा है। आपके चुकता हिसाब का विवरण निम्न प्रकार से है।

1. माह जनवरी 2015 का वेतन	= 2839/- रु
2. बकाया छुट्टी का नकद भुगतान	= 733/- रु
3. वित्त वर्ष 2014-2015 का बोनस	= 2699/- रु
जोड़	= 6271/- रु

कटौतियाँ

भविष्य निधि अंशदान	= 204/- रु
ई0 एस0 आई0 अंशदान	= 50/- रु
वेलफेयर फंड अंशदान	= 10/- रु
देय राशि	= 10/- रु

कृपया इसकी पावती भेजें

For Richa & Co.

(S.C.Sharma)
Personnel Manager

Encl: - Cheque

भारतीय डाक



SP IC DELHI/ETA <122016>

EH628727537IN

Counter No:3, CP-Code:MY

To:

n delhi, PIN:110037

From:RICH, GEN

Wt:20grams,

Ant:17.00, 05/02/2015, 15:01

Taxes:Rs.2.00<<Track on www.indiapost.gov.in>>



सिंडिकेटबैंक
 NAJAFGARH ROAD, KIRTI NAGAR, NEW DELHI - 110015
 IFSC : SYNB0009039 (CBS)

A/C PAYEE

10012015
 D D M M Y Y Y Y

Pay XXXXXXXXXX

या धारक को or Bearer

रुपये Rupees Six Thousand Seven Only — x —

अदा करे ₹ 6007/-

A/c. No. 90391010000457

For richa & co

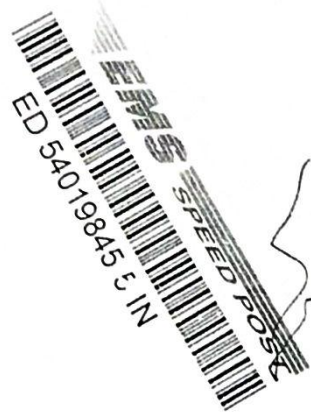
richa & co
 2/2, W.H.S. KIRTI NAGAR
 NEW DELHI-110015
 (SUNDAY CLOSED)

[Signature]
 PARTNER

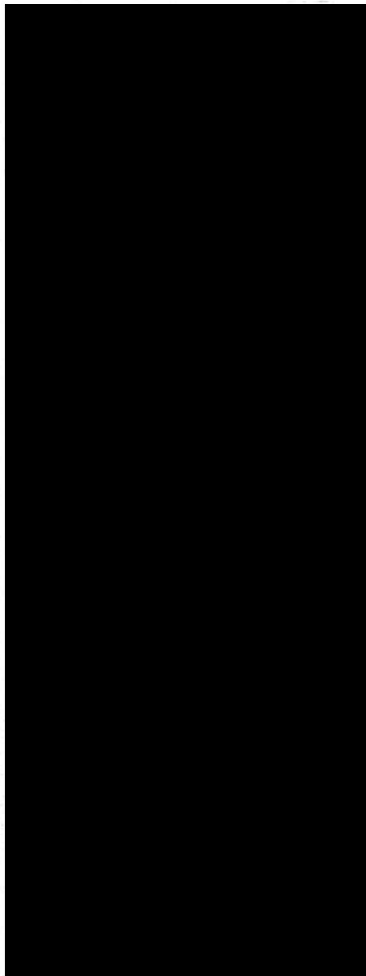
Please sign above

⑈492901⑈ 110025029⑈ 340009⑈ 11

MANIPAL TECHNOLOGIES LTD. MANIPAL, CTES-5018



Speed Post



RC richa & co

(GOVT. RECOGNISED STAR EXPORT HOUSE)
192, UDYOG VIHAR, PHASE-1, GURGAON (HARYANA)
TEL.: +91-0124-4767200 - 04
E-mail : rc@richagroup.com

29

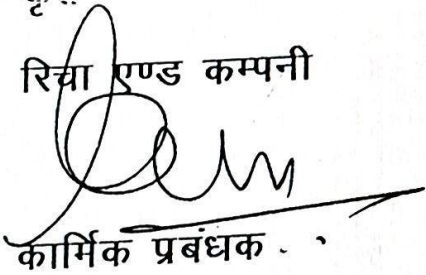
Date :- 11-01-15

नाम

आपका त्याग पत्र दिनांक 09.01.15 तुरन्त प्रभाव से स्वीकृत कर लिया गया है आप किसी भी दिन अपना हिसाब खाता विभाग से प्राप्त कर ले ।

कृते

रिचा एण्ड कम्पनी



कार्मिक प्रबंधक . .



richa & co

(GOVT. RECOGNISED STAR EXPORT HOUSE)

दिनांक:- 05-02-2015

श्री [REDACTED]

यह पत्र हमारे पत्र दिनांक 11.01.2015 की निरन्तरता में है जिसमें आपको सूचित किया गया था कि आपका त्याग पत्र स्वीकार कर लिया गया है तथा आप अपने चुकता हिसाब के लिए लेखा विभाग से किसी भी कार्य दिवस में सम्पर्क करें। लेखा विभाग को भी आपके खाते के निपटान हेतु सूचित कर दिया गया था। खाता विभाग द्वारा सूचित किया गया है कि आपने आज तक अपना चैक लेने के लिए खाता विभाग से सम्पर्क नहीं किया।

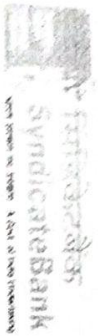
आपका चुकता हिसाब जो कि रु 6007/- बनता है जिसको चैक नम्बर 492901 के द्वारा जो कि सिडिकेट बैंक नजफगढ़ रोड, किर्ती नगर नई दिल्ली -110015 द्वारा देय है के द्वारा भेजा जा रहा है। आपके चुकता हिसाब का विवरण निम्न प्रकार से है।

1. माह जनवरी 2015 का वेतन	= 2839/- रु
2. बकाया छुट्टीयो का नकद भुगतान	= 733/- रु
3. वित्त वर्ष 2014-2015 का बोनस	= 2699/- रु
जोड़	= 6271/- रु
<u>कटौतियाँ</u>	
भविष्य निधि अशंदान	= 204/- रु
ई0 एस0 आई0 अशंदान	= 50/- रु
वेलफेयर फंड अशंदान	= 10/- रु
देय राशि	<u>= 6007/- रु</u>

कृप्या इसकी पावती भेजें

For Richa & Co.

(S.C.Sharma)
Personnel Manager



संयुक्त बैंक, किरती नगर, नई दिल्ली - 110 015
 NAJAFGARH ROAD, KIRTI NAGAR, NEW DELHI - 110015
 IFSC : SYNB0009039 (CBS)

AC PAYEE

1	0	0	1	2	0	1	5
D	D	M	M	Y	Y	Y	Y

Pay



या शरत को or Bearer

रुपये Rupees

Six Thousand Seven Only

अदा को

₹ 6007/-

A/c. No.

90391010000457

For richa & co

Richa

PARTNER

richa & co
 2/2, W.H.S. KIRTI NAGAR
 NEW DELHI-110015
 (SUNDAY CLOSED)

Please sign above

1149290111 1100250291 34000911 11

Case / Court Notes .

<u>Date</u>	<u>Particulars</u>
20.10.2016	Worker Not present , opportunity to present affidavit and worker to be present on next date .
02.01.2017	Worker's Affidavit presented CE on next date .
06.02.2017	CE deferred, AR for management not ready Talks for settlement .
04.05.2017	CE deferred Talks for settlement
22.08.2017	CE deferred .
10.11.2017	CE deferred .
07.03.2018.	
21.08.2019	- Management Cross Examination
22.10.2019	- Management Cross Examination

**BEFORE THE LD. PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
CUM LABOUR COURT- II, GURGAON, HARYANA.**

In the matter of:

[REDACTED]

.....**Worker/Claimant**

Versus

M/s Richa and Co.

...**Employer/Respondent**

Evidence by way of Affidavit.

I [REDACTED]
[REDACTED] do hereby solemnly affirm and state as
under:

1. That I was working with M/s Richa and Co. since 14.03.2013. The company had appointed me on the post of a supervisor in the processing department, but they were making me do the works of a normal worker and the post supervisor was only to deceive the authorities and do deny me my legal rights. Copy of my company ID is attached here as **EX- PW1**.
2. The management of the company forcefully terminated my services on 09.01.2015 without any reason, notice or charge-sheet. I was working with full honesty and integrity and there was no performance or conduct related complaints against me, and therefore my termination was absolutely against the **Section 25F** of the **Industrial Disputes Act, 1947**.
3. The company was very irregular in paying salaries and overtime and never paid salaries to workers on time. It was when I objected to this practice, the management terminated my services. Copy of the Company pay- slip is attached here as **EX- PW2**. The company was also making improper deductions from the workers' salary

4. That I have done more than 240 days of work in the year preceding my termination and was in continuous service of the company.
5. That even though I was kept as a supervisor my work only included overseeing the work of other workers. I was not authorized to sanction leaves, make work schedules or take disciplinary action against any workers. My work also did not include giving final clearance to the pieces completed by the workers under me and my work could not bind the company in any way.
6. At the time of termination, the management forced me to sign on some papers the contents of which I could not comprehend. The company was also forcing take and sign on my full and final settlement to which I denied.
7. That I am still unemployed and ready to join the services of the company if the company agrees to pay the back wages for the period I have been sitting at home due to the termination.


Deponent

The above averments are true and correct to the best of my knowledge and there are no material facts concealed or falsely stated. Verified this 21st day of May 2017.


Deponent

RICHA & CO.

192 PHASE 1 CONNAUGHT VILAR, GURGAON HARYANA INDIA

IDENTITY CARD PH 4707202403

Employee Code PR33656

Employee Name



Father's Name

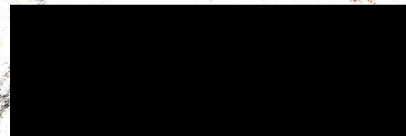


Designation SUPERVISOR

Department PROCESSING (D)

Date of Joining 14-03-2013

Address



[Handwritten Signature]
Signature of Employee

Signature of Issuing Authority

192, PHASE - 1, DRYDA ROAD, GURGAON, HARYANA

वेतन पर्ची/PAY SLIP

PR02655A

नाम/Code
नाम/Name

पति/पति का नाम
Father's/Husband's Name

श्रेणी/Grade

ग्रुप

Ground Floor

माह/Month

माह का प्रकार/Mode of Payment

कार्य दिवस/Wage days

बैंक खाते का संख्या/Account No

बैंक का नाम/Bank Name

[Handwritten Signature]

[Handwritten Signature]

कुल वेतन/Total Salary	रकम/Rate	कमाया वेतन/Earning	आरार Rate	आरार Earning	कटौतियां/Deductions	राशि/Amount	आरार Deduction	शुद्ध वेतन/Net Pay
मूल वेतन/Basic Pay	6600.00	6600.00			क. रा. बीमा/E.S.I.	178.10		
मकान किराया भता/H.R.A.	2000.00	2000.00			भविष्य निधि/P.F.	1400.00		
यात्रा भता/Conveyance All.	1400.00	1400.00			चक्रित कर/T.D.S.	1400.00		
चिकित्सा भता/Medical All.	0.00	0.00			अग्रिम राशि/Advance			
विद्यु शिफा भता/C.E. All.	11.00	11.00			अन्य कटौती/Other Ded.			
अन्य भता/Other Allowance								
कुल वेतन/Sub Total		10600.00						
किराया भता/O.T. Hours					क. रा. बीमा/Ded.ESI			
कुल वेतन/Total		10600.00						

[Handwritten Signature]

PAN
MIG 2019

Before the Presiding Officer, Industrial Tribunal cum Labour Court Gurgaon.

In the matter of:

In the matter of:

██████████ Versus M/s Richa and Co.

Evidence by way of Affidavit

1. I, ██████████, Bhagalpur, Bihar, hereby state that I, was working in M/s Richa and Co. since 14.03.2013 and was in continuous service of the Company
2. The Company Illegally Terminated my services on 09.01.2015 without any notice.
3. I am well versed with the facts of this case and the contents of this Affidavit have been read out to me in my language of understanding.
4. I, am aware about the contents of the petition also and am fully capable to make submissions towards the same.

The averments made by me in the above Affidavit are true and correct to the best of my knowledge.

██████████
Deponent

Verified this 2nd day of October, 2016 at Gurgaon, that the contents of this Affidavit are true and correct to the best of my knowledge and I am fully aware of its contents and the contents of the petition as a whole, and am capable of deposing towards the same.

██████████
Deponent



ATTESTED
██████████
PROVIDENT & NOTARY
INDUSTRIAL COURTS GURGAON

Kumar Ravishankar
Through AR.
Kumar Ravishankar
Garment & Allied Wo
Union, Plot No 1,
Jwala mill.
Gurgaon
9971804069

RICHA & CO.

192, PHASE - I, UDYOG VIHAR, GURGAON HARYANA, INDIA

IDENTITY CARD Ph. 4767202-03

Employee Code PR32656

Employee Name

Fath/Hus

Name

Designation

SUPERVISOR

Department

PROCESSING (D)

Date of Joining 14-03-2013

Address

Signature of Employee

Signature of Issuing Authority

192, PHASE - I, UDYOG VIHAR, GURGAON, HARYANA, INDIA

वेतन पर्ची/PAY SLIP

191

417

PR32656

कोड/Code
 नाम/Name
 पिता/पति का नाम
 Father's/Husband's Name
 पद/Designation
 श्रेणी/Grade

PR32656
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]

क.स.वीमा क्रमांक/E.S.I.No.
 भविष्य निधि खाता क्रमांक/P.F. AC No.
 कार्य दिवस/Wage days

692299301663
 283 - 4
 30/7/2014
 गुप्तता का प्रकार/Mode of Payment: 46306/6229601529292

कुल वेतन/Total Salary	दर/Rate	कमाया वेतन/ Earning	आरतार Rate	आरतार Earning	कटौतियाँ/Deductions	राशि/Amount	आरतार Deduction	शेष वेतन/Net Pay
मूल वेतन/Basic Pay	6600.00	6600.00			क.स.वीमा/E.S.I.	175.00		
मकान किराया भत्ता/H.R.A.	2000.00	2000.00			भविष्य निधि/P.F.	0.00		
यात्रा भत्ता/Conveyance All.	1400.00	1400.00			रजत कर/T.D.S.	0.00		
चिकित्सा भत्ता/Medical All.	0.00	0.00			अग्रिम राशि/Advance	0.00		
शिशु शिक्षा भत्ता/C.E. All.	0.00	0.00			अन्य कटौती/Other Ded.			
अन्य भत्ता/Other Allowance					V P F			
					P L W F			
उप योग/Sub Total		10000.00			क.स.वी./Ded ESI	185.00		9815.00
अतिकाल घंटे/O.T. Hours								
कुल योग/Total		10000.00				185.00		9815.00

[Handwritten Signature]

PAY SLIP
 30 AUG 2014

Before the Presiding Officer, Industrial Tribunal cum
Labour Court - II Guwahati, Assam.

In the matter of:

Ref No. 52/2015

[REDACTED] v/s M/S Picha & Co.

Application for Additional Affidavit

I, Kumar Ravishankar, the AR for the worker in
the above-mentioned matter, hereby respectfully
state that the Affidavit filed by us on behalf
of the worker on 20.01.2017 did not
contain sufficient facts and hence we need
to file an additional affidavit to mention the
proper facts in the case.

It is therefore humbly requested to allow
this application.

Thank You

Kumar Ravishankar

KUMAR RAVISHANKAR (AR) -

Ro Maichand Complex,

Plot No. 1, Jwala Mill,

Guwahati - 781015

9971804069.

BEFORE THE HON'BLE PRESIDING OFFICER, LABOUR COURT,

GURGAON, HARYANA

IN THE MATTER OF:-

[REDACTED]

[REDACTED]

.....

WORKMAN/PETITIONER

Versus

M/s. Richa & Co.

Plot No- 192

Phase-1, Udyog Vihar

Gurgaon, Haryana

.....

MANAGEMENT/RESPONDENT

SUBJECT: STATEMENT OF THE CLAIMS

Respectfully Sheweth,

1. That the workman [REDACTED] At- VIII- Gopalpur, P.O- saidpur, Dist- Bhagalpur, Bihar, was employed with M/s Richa & Co. The workman has been appointed as Supervisor on dated **14-03-2013**, but his post name Supervisor was merely to say as he was not assigned any supervisory duty rather was engaged as casual worker. His last drawn salary is INR 11,000/- per month. He was working in company with full honesty and integrity.
2. That the Management of the company has terminated the workman on **09-01-2015** without citing any reason and prior information and against the norms of Industrial Dispute Act, 1947, which is unlawful, unjustified and illegal. The Management not served any notice before his termination. The deed of the Management was not only illegal but also against the Labour laws and natural justice.
3. That the workman was never intended to leave this job and never made any such mistake, which may be reason of his termination. He was performing his duties with utmost sincerity. He severally requested to management to not terminate him as he is the only bread winner in family and totally depends upon income of salary.

4. That he has been called by personnel department and they have asked him to take her full and final without citing any reasons. They forcefully asked him to sign on the blank paper and told them that you are terminated.
5. That the above mentioned workman has already completed the tenure of 240 days in the said company hence she is eligible for all Labour rights under Industrial Dispute Act, 1947 and other labour laws.
6. 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. Management repeatedly called him to factory for his payment but did not pay him and harassed him mentally and physically.
7. That the management has harassed and threatened workman, when he asked for his earned wages.
8. That the workman is still unemployed since he has been terminated from the company by the management.

PRAYER

It is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to:-

- 1) Deliver an order/award to reinstate [REDACTED] in his original service along with full back wages and all other service benefit.
- 2) Pass an exemplary order to direct the management to pay Rs. 10,000/- as legal cost and cost for his sufferings and damages.
- 3) Pass an exemplary order against the management to implement all the statutory labour laws and social securities laws for the workman in the company premises.

It is prayed accordingly.

Through

Advocate/Representative

Petitioner

[REDACTED]

In the matter of:

In the matter of:

██████████ Versus M/s Richa and Co.

Evidence by way of Affidavit

1. I ██████████
hereby state that I, was working in M/s Richa and Co. since 14.03.2013 and was in continuous service of the Company
2. The Company Illegally Terminated my services on 09.01.2015 without any notice.
3. I am well versed with the facts of this case and the contents of this Affidavit have been read out to me in my language of understanding.
4. I, am aware about the contents of the petition also and am fully capable to make submissions towards the same.

The averments made by me in the above Affidavit are true and correct to the best of my knowledge.

██████████
Deponent

Verified this 20th day of October, 2016 at Gurgaon, that the contents of this Affidavit are true and correct to the best of my knowledge and I am fully aware of its contents and the contents of the petition as a whole, and am capable of deposing towards the same.

██████████
Deponent

Through AR.
Kumar Ravishankar
Garment & Allied Worker
Union, Plot No 1,
Jwala mill.
Gurgaon
9971804069

tenable. The Statement of Claim has been filed by the claimant with an

**BEFORE SHRI AJAY PARASAR, PRESIDING OFFICER, LABOUR
COURT-CUM-INDUSTRIAL TRIBUNAL, NO.-2, GURGAON.**

REFEECNCNCE ON. OF 2015

IN THE MATTER OF:

SHRI

.....CLAIMANT

VERSUS

M/S RICHA & CO.

.....MANAGEMENT

**WRITTEN STATEMENT ON BEHALF OF MANAGEMENT M/S RICHA &
COMPANY, IN REPLY TO THE STATEMENT OF CLAIM FILED BY THE
CLAIMANT SHRI CHANDAN KUMAR SINGH DATED NILL.**

MOST RESPECTFULLY SHOWETH:

- A. The contents of the Claim filed by the claimant (except to the extent they are specially admitted herein) are wrong and denied. The averments made in the statement of claim are wrong, misconceived and hence specifically denied at all. Without prejudice to the generality of the aforesaid, a Para wise reply to the Claim filed by the claimant is also given hereunder for the kind perusal and consideration of this Hon'ble Tribunal.
- B. The contents of each of the numbered paragraphs in the Claim are (unless admitted) specifically denied inter alia, for want of knowledge. The Claimant may be put to a strict proof for the averments made therein by this Hon'ble Tribunal.

PRELIMINARY OBJECTIONS:

1. That the present Statement of Claim filed by the claimant against the replying management is totally misconceived, ill conceived and not tenable. The Statement of Claim has been filed by the claimant with an

ulterior motive and with the intention to target and harass the answering Management. The Statement of Claim under reply does not merit indulgence of this Hon'ble Tribunal as the same is not maintainable both on facts and law and has been filed with the malafide intention of subverting justice and thus merits dismissal in limini.

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

3. Without prejudice to the submissions made hereinabove it is further submitted that the claimant [REDACTED] was working on the rolls of the replying management as Supervisor since 14.03.2013 ^{→ admission} and he was performing supervisory nature of duties during the course his employment with the replying management. Therefore he is not a workman as defined under section 2 (s) of the Industrial Disputes Act, 1947. Hence the provisions of Industrial Disputes Act, 1947 is not applicable in the case of the claimant. In view of submission made hereinabove, it is very much clear that the whole statement of claim filed by the Claimant alleging illegal termination of his services by the Management is wholly misconceived, baseless, false, untenable and liable to be rejected. Therefore the statement of claim filed by the

claimant is liable for outright rejection at threshold as the same is not maintainable on this ground alone.

4. 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 matter as the management has neither terminated the services of the claimant nor has taken any action against him as vaguely alleged in his statement of claim filed before this Hon'ble Court. Therefore, the whole statement of claim filed by the claimant is liable to be rejected outrightly on this short submission also.
5. Without prejudice to the submissions made hereinabove, it is further submitted that the claimant has already submitted his resignation dated 09.01.2015 to the replying management and also requested to the management for acceptance of the same and for full and final settlement of his dues. The resignation submitted by claimant was duly accepted by the replying management vide letter dated 11.01.2015 and he was communicated about the same and was directed to come and receive his full and final settlement of his dues from the replying management in any working day. It is further submitted that the replying management has already prepared his full and final dues but the claimant visited the organization of the replying management and he was handed over the full and final settlement his dues but he refused to receive his full and final dues. In any view of the matter, since the claimant submitted his resignation w.e.f. 09.01.2015 which was duly accepted by the replying management and

acceptance of the same was duly communicated to him therefore, the relationship of employer and employee between the claimant and the replying management are seized to be existed. To put it in other words, the claimant himself of his own free will submitted his resignation and requested to the replying management for acceptance of the same which was duly accepted by the replying management. Therefore, the claimant is no longer in the employment of replying management as he has already resigned from the services of the organization. Therefore the statement of claim filed by the claimant against the replying management is wholly misconceived, ill-conceived, baseless and there is no merit at all in the same. Therefore, the same is liable to be rejected out rightly.

6. Without prejudice to the submissions made hereinabove, it is further submitted that the statement of claim filed by the claimant before this Hon'ble Court with an ulterior motive, with a sole intention to harass and pressurize the replying management. Hence the same is liable to be rejected out rightly.
7. Without prejudice to the submissions made hereinabove, it is further submitted that the replying management had received a demand notice sent by Ms. Retu Singh on behalf of the claimant wherein, it had been alleged that the services of the claimant had been terminated illegally by the replying management. In this regard, it is submitted that present is not a case of termination as alleged on the other hand, the claimant himself submitted his resignation as stated hereinabove

which was duly accepted by the replying management. However while filing of the statement of claim by the claimant before this Hon'ble Court he has totally concealed the material fact and filed the statement of claim mechanically without any basis against the replying management. Therefore, the whole statement of claim filed by the claimant is liable to be rejected outrightly on this ground alone.

8. Without prejudice to the submissions made herein above, it is further submitted that Ms. Retu Singh has no locus standi qua the claimant to file the present statement of claim and raised the dispute on behalf of the claimant against the replying management. Hence, the present dispute has been raised on behalf of the claimant through Ms. Retu Singh is deserves to be dismissed being without any locus standi.

Without prejudice to the submissions made hereinabove in the preliminary objections and in addition to the same reply Para wise to the statement of claim has been given as under:-

PARAWISE REPLY ON MERIT:

1. Contents of Para 1 of the statement of claim is wrong, misconceived and denied. It is submitted that the date of employment, designation and last drawn salary of the claimant in the employment of the replying management are matter of record. It is further submitted that the work, conduct of the claimant in the employment of the management is also matter of record. However it is wrong to allege that the claimant was not assigned any power

of supervisor as vaguely alleged. As stated herein above that the claimant was working on the rolls of the replying management as Supervisor since 14.03.2013 and he was performing supervisory nature of duties during the course his employment with the replying management. Therefore he is not a workman as defined under section 2 (s) of the Industrial Disputes Act, 1947 and the provision of Industrial Disputes Act is not applicable in the case of the claimant.

2. That the contents of Para 2 of the statement of claim are wrong, misconceived and denied. It is denied that the replying management has terminated the services of the claimant as vaguely alleged. As submitted hereinabove that the claimant submitted his resignation w.e.f. 09.01.2015 which was duly accepted by the replying management and acceptance of the same was duly communicated to him therefore, the relationship of employer and employee between the claimant and the replying management are seized to be existed. To put it in other words, the claimant himself of his own free will submitted his resignation and requested to the replying management for acceptance of the same which was duly accepted by 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

of supervisor as vaguely alleged. As stated herein above that the claimant was working on the rolls of the replying management as Supervisor since 14.03.2013 and he was performing supervisory nature of duties during the course his employment with the replying management. Therefore he is not a workman as defined under section 2 (s) of the Industrial Disputes Act, 1947 and the provision of Industrial Disputes Act is not applicable in the case of the claimant.

2. That the contents of Para 2 of the statement of claim are wrong, misconceived and denied. It is denied that the replying management has terminated the services of the claimant as vaguely alleged. As submitted hereinabove that the claimant submitted his resignation w.e.f. 09.01.2015 which was duly accepted by the replying management and acceptance of the same was duly communicated to him therefore, the relationship of employer and employee between the claimant and the replying management are seized to be existed. To put it in other words, the claimant himself of his own free will submitted his resignation and requested to the replying management for acceptance of the same which was duly accepted by 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 statement of claim are wrong, misconceived and denied. It is denied that the claimant was never intending to leave the job as vaguely alleged. In this regard it is pertinent to mention that the claimant himself of his own free will submitted his resignation and requested to the replying management for acceptance of the same which was duly accepted by 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 statement of claim are wrong, misconceived and denied. The whole allegation made by the claimant in the Para under reply is totally false, baseless and denied at all. It is submitted that the claimant himself submitted his resignation and requested to the replying management for acceptance of the same which was duly accepted by 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.

5. Content of Para 5 of the statement of claim is matter of record. So far as the claimant has completed 240 work day in the establishment of the management is concerns are matter of record. However it is wrong to allege that the claimant is a workman as defined under section 2 (s) of the Industrial Disputes Act, 1947 as vaguely alleged. In any view of the matter the claimant is not eligible for any benefit under Industrial Disputes Act, 1947 as vaguely alleged.

6. Content of Para 6 of the statement of claim are wrong, misconceived and denied. It is wrong to allege that the management did not pay salary of the claimant as vaguely alleged. 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 statement of claim filed by 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 statement of claim filed before this Hon'ble Court on the other hand the claimant has submitted his

resignation and requested to the replying management for acceptance of the same which was duly accepted by the replying management therefore the question of termination of his services by the replying management does not arise at all.

7. Content of Para 7 of the statement of claim are wrong, misconceived and denied. It is wrong to allege that the management has not paid his earned wages as alleged. It is further wrong to allege that the management terminated the services of the claimant on the demand of his earned wages as vaguely alleged. In this regard it is submitted that the claimant himself submitted his resignation and requested to the replying management for acceptance of the same which was duly accepted by the replying management therefore the question of termination of his services by the replying management does not arise at all. The whole allegation made by the claimant in the Para under reply is totally false, baseless and denied at all.

8. Content of Para 8 of the statement of claim are wrong, misconceived and denied. It is further wrong to allege that the claimant is unemployed as vaguely alleged. In any view of the matter the factum of the gainful employment of the claimant is well within the knowledge of the claimant and he made strict prove for the same.

Contents of the prayer clause of the statement of claim are wrong, misconceived and denied. The whole statement of claim 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 mentioned here that the claimant the claimant submitted his resignation w.e.f. 09.01.2015 which was duly accepted by the replying management and acceptance of the same was duly communicated to him therefore, the relationship of employer and employee between the claimant and the replying management are seized to be exist. In view of submission made hereinabove, it is very much clear that the whole statement of claim filed by the Claimant alleging illegal termination of his services by the Management is wholly misconceived, baseless, false, untenable and liable to be rejected. Therefore the whole statement of claim 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 TRIBUNAL MAY BE PLEASED TO:**

- a. Dismiss the Claim filed by the Claimant and award be passed in favour of the Management and against the Claimant; and in that behalf,



GOVERNMENT OF HARYANA/ हरियाणा सरकार
LABOUR DEPARTMENT / श्रम विभाग, हरियाणा

सूचनांक 111/2015/1/17/NG-193/2015
विद्युत, श्रम विभाग, हरियाणा
Phase-I, Udyog Vihar, Gurgaon

LABOUR WING/ श्रम शाखा

237 (R-182) /PO-Gurgaon 2-27/GGN-32/LOGGN-1/17/NG-193/2015

आदेश

चूंकि हरियाणा के राज्यपाल की राय है कि M/s Richa & Co., Plot No. 192, Phase-I, Udyog Vihar, Gurgaon के श्रमिक श्री [REDACTED]

[REDACTED] तथा उसके प्रबंधकों के मध्य कोई औद्योगिक विवाद है और चूंकि हरियाणा के राज्यपाल इस विवाद को न्याय निर्णय हेतु निर्दिष्ट करना वांछनीय समझते हैं।

इसलिए अब औद्योगिक विवाद अधिनियम, 1947 की धारा 10 की उपधारा (1) के खण्ड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए हरियाणा के राज्यपाल उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय Gurgaon 2 को नीचे लिखा मामला न्याय निर्णय एवं पंचाट तीन मास में देने हेतु निर्दिष्ट करते हैं क्योंकि उक्त प्रबंधकों तथा श्रमिकों के बीच या तो विवादग्रस्त मामला है या विवाद से सुसंगत अथवा संबंधित मामला है।

क्या श्रमिक श्री [REDACTED] की सेवा समाप्ति न्यायोचित है अथवा नहीं? यदि नहीं तो श्रमिक किस राहत का हकदार है?

अतः प्रबंधकों एवं श्रमिक को यह भी निर्देश दिए जाते हैं कि वह उक्त न्यायालय में अपना पक्ष रखने हेतु दिनांक 07-Jul-2015 को उपस्थित हों।



19978-83
28/5/15

दिनांक : 07-May-2015

पृष्ठांकन क्रमांक / आईडीओ / 237/GGN/32/ LOGGN-1/ 17/ 2015/

- एक प्रति निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु भेजी जाती है :-
1. अधिष्ठाता अधिकारी, श्रम न्यायालय Gurgaon 2 को मांगपत्र दिनांक 15-01-2015 की प्रति सहित।
 2. M/s Richa & Co., Plot No. 192, Phase-I, Udyog Vihar, Gurgaon

3. [REDACTED]

4. उप श्रम आयुक्त Gurgaon / सहायक श्रम आयुक्त Gurgaon-1
5. आंकड़ा अधिकारी, श्रम विभाग।

कृते: सचिव, हरियाणा सरकार
श्रम विभाग

1. M/s. Richa & CO.
Plot No. 192, Phase-I,
Udyog Vihar, Gurgaon
Haryana

Subject: Demand Notice under section 2A of the Industrial Dispute Act 1947, against illegal and unjustified termination of the workman

1. It is most respectfully submitted that the workman [REDACTED] [REDACTED] P.O.- Saidpur, Distt.-Bhagalpur, Bihar, is employed with M/s Richa & Co. since dated 14.03.2013. He was working with company as supervisor. But his post name supervisor is mere to say and he has not been assigned any power of supervisor. His last drawn monthly salary was Rs. 11,000/- per month. He was working in company with full honesty and integrity as permanent workman.
2. That Management of company has terminated the workman on dated 09-01-2015 without citing any reason and prior information and against the norms of Industrial Dispute Act, 1947, which is unlawful, unjustified and illegal. The Management not served any notice before his termination. The deed of the Management was not only illegal but also against the Labour laws and natural justice.
3. That the workman was never intended to leave this job and he did not make any such mistake, which may be reason of his illegal termination. He is in dire need of employment as it is only source of his income and he has five dependents in his family.
4. That the workman has requested to management to not terminate him, but they did not listen his requests. Workman has asked for reason for his termination, but he has not been informed with any such reason.

That the workman has completed 240 work days in establishment and he is eligible to get all the benefits as workman as he comes under the definition of workman under the Industrial Disputes Act, 1947

6. That the workman has not been paid notice payment, leave encashment and other benefits.
7. That the management has not paid him his earned wages. He has repeatedly asking for his earned wages, but the management has denied to pay his salary and terminated him without any prior information. Management not only denied paying his earned wages but also did not paid wages for overtime work done during this period.
8. 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. Management repeatedly called him to factory for his payment but did not pay him and harassed him mentally and physically.
9. That the workman is still unemployed since he has been terminated from the company by the management.

Therefore it is demanded that,

- The management reinstates the above mentioned workman with back wages and continuity in service immediately.
- The Management makes all the payments due till date to the abovementioned workman without delay.
- The Management fulfills the above demands without any delay otherwise we would go to Labour court for justice and the management would be liable to bear all expenses for the same.

Date: 18.1.15

Applicant

[Redacted Signature]

Through,

[Redacted Name]

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

IN THE MATTER OF:

12/02

SHRI [REDACTED]

.....CLAIMANT

VERSUS

M/S RICHA & CO.

.....MANAGEMENT

WRITTEN STATEMENT ON BEHALF OF MANAGEMENT M/S RICHA & COMPANY, IN REPLY TO DEMAND NOTICE FILED BY THE CLAIMANT SHRI [REDACTED] UNDER SECTION 2-A OF INDUSTRIAL DISPUTES ACTS, 1947, DATED 15.01.2015

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, ill-conceived, 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 the replying management.

2. Without prejudice to the submissions made hereinabove it is further submitted that the claimant Sh. [REDACTED] was working on the rolls of the replying management as Supervisor since 14.03.2013 and he was performing supervisory nature of duties during the course his employment with the replying management. Therefore he is not a workman as defined under

*Supervisor
only for name.*

14.3.2013

[Signature]

9.1.15

section 2 (s) of the Industrial Disputes Act, 1947. Hence the provisions of Industrial Disputes Act, 1947 is not applicable in the case of the claimant. 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. 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.

4. Without prejudice to the submissions made hereinabove, it is further submitted that the claimant submitted his resignation dated 09.01.2015 to the replying management and also requested to the management for acceptance of the same and full and final settlement of his dues. The resignation submitted by claimant was duly accepted by the replying management vide letter dated 11.01.2015 and he was communicated to the same and was directed to come and receive his full and final settlement of his dues from the replying management in any working day. It is further submitted that the replying management has already prepared his full and final dues but the claimant visited the organization of the replying management and he was handed over the full and final settlement his dues but he refused to receive his full and final dues. In any view of the matter, since the claimant submitted his resignation w.e.f. 09.01.2015 which was duly accepted by the replying management and acceptance of the same was duly communicated to him therefore, the

relationship of employer and employee between the claimant and the replying management are seized to be existed. To put it in other words, the claimant himself of his own free will submitted his resignation and requested to the replying management for acceptance of the same which was duly accepted by the replying management. Therefore, the claimant is no longer in the employment of replying management as he has already resigned from the services of the organization. Therefore the demand notice filed by the claimant against the replying management is wholly misconceived, ill-conceived, baseless and there is no merit at all in the same. Therefore, the same is liable to be rejected out rightly.

5. Without prejudice to the submissions made hereinabove, it is further submitted that the demand notice filed by the claimant before this Hon'ble Authority with an ulterior motive, with a sole intention to harass and pressurize the replying management. Hence the same is liable to be rejected out rightly.

6. Without prejudice to the submissions made hereinabove, it is further submitted that the replying management has received a demand notice sent by Ms. Retu Singh on behalf of the claimant wherein, it has been alleged that the services of the claimant has been terminated illegally by the replying management. In this regard, it is submitted that present is not a case of termination as alleged on the other hand, the claimant himself submitted his resignation as stated hereinabove which was duly accepted by the replying management. However Ms. Retu Singh while sending demand notice has totally concealed the material fact and issued demand notice mechanically without any authorisation in her favour against the replying management. Therefore, the whole demand notice filed by the claimant is liable to be rejected outrightly on this ground alone.

7. Without prejudice to the submissions made herein above, it is further submitted that Ms. Retu Singh has no locus standi qua the claimant to issue

demand notice and raise the dispute on behalf of the claimant against the replying management. Hence, the present dispute has been raised on behalf of the claimant through Ms. Retu Singh is deserves to be dismissed being without any locus standi.

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 claimant are matter of record. The work, conduct of the claimant is also matter of record. However it is wrong to allege that the claimant was not assigned any power of supervisor as vaguely alleged. As stated herein above that the claimant was working on the rolls of the replying management as Supervisor since 14.03.2013 and he was performing supervisory nature of duties during the course his employment with the replying management. Therefore he is not a workman as defined under section 2 (s) of the Industrial Disputes Act, 1947.
2. 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. As submitted hereinabove that the claimant submitted his resignation w.e.f. 09.01.2015 which was duly accepted by the replying management and acceptance of the same was duly communicated to him therefore, the relationship of employer and employee between the claimant and the replying management are seized to be existed. To put it in other words, the claimant himself of his own free will submitted his resignation and requested to the replying management for acceptance of the same which was duly accepted by 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 himself of his own free will submitted his resignation and requested to the replying management for acceptance of the same which was duly accepted by 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. The whole allegation made by the claimant in the para under reply is totally false, baseless and denied at all. It is submitted that the claimant himself submitted his resignation and requested to the replying management for acceptance of the same which was duly accepted by 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.

5. Content of para 5 of the demand notice is matter of record. So far as the claimant has completed 240 work day in the establishment of the management is concerns are matter of record. However it is wrong to allege that the claimant is a workman as defined under section 2 (s) of the Industrial Disputes Act, 1947 as

vaguely alleged. In any view of the matter the claimant is not eligible for any benefit under Industrial Disputes Act, 1947 as vaguely alleged.

6. Content of para 6 of the demand notice are wrong, misconceived and denied. It is submitted that the claimant himself submitted his resignation and requested to the replying management for acceptance of the same which was duly accepted by the replying management therefore the question payment for notice pay etc. do not arise at all. In any view of the matter the provisions of Industrial Disputes Act, 1947 is nowhere applicable in the case of the claimant. 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.

7. Content of para 7 of the demand notice are wrong, misconceived and denied. It is wrong to allege that the management has not paid his earned wages as alleged. It is further wrong to allege that the management terminated the services of the claimant on the demand of his earned wages as vaguely alleged. In this regard it is submitted that the claimant himself submitted his resignation and requested to the replying management for acceptance of the same which was duly accepted by the replying management therefore the question of termination of his services by the replying management does not arise at all. The whole allegation made by the claimant in the para under reply is totally false, baseless and denied at all.

8. Content of para 8 of the demand notice are wrong, misconceived and denied. It is wrong to allege that the management did not pay salary of the claimant as vaguely alleged. 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 the claimant has submitted his resignation and requested to the replying management for acceptance of the same which was duly accepted by the replying management therefore the question of termination of his services by the replying management does not arise at all.

9. Content of para 9 of the demand notice are wrong, misconceived and denied. It is further wrong to allege that the claimant is unemployed as vaguely alleged. In any view of the matter the factum of the gainful employment of the claimant is well within the knowledge of the claimant and he made strict prove for the same.

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

mentioned here that the claimant submitted his resignation w.e.f. 09.01.2015 which was duly accepted by the replying management and acceptance of the same was duly communicated to him therefore, the relationship of employer and employee between the claimant and the replying management are seized to be exist. 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. 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,

- b. Pass such other/further order as this Hon'ble Authority deems fit under the facts and circumstances of the present case.

For & on behalf of the replying management
FOR RICHA & CO.

AUTHORISED SIGNATORY

VERIFICATION:

Verified, at Gurgaon on 29th day of January, 2015 that the contents of the above reply to the demand notice bearing the paras No.1 to 9 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 7 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
FOR RICHA & CO.

AUTHORISED SIGNATORY

Before the Jd. Presiding Officer Industrial Tribunal cum
Labour Court II Gurgaon Haryana

In the Matter of:

[Handwritten mark]

[Redacted]

v/s Richa & Co.

[Handwritten mark]
20.10.16

Authority

[Redacted]

I, [Redacted] do hereby Authorize
[Redacted] Sh. Kumar Ravishankar, Ms Shreya Sarkar & Sh. Ganesh Kr.
to Plead, Defend & Represent the above mentioned
Case on my behalf & do all that is needful.

I also fully Authorize them to take steps reasonably,
to settle the matter amicably.

It is prayed accordingly.

[Redacted]

Worker / Petitioner.

[Signature]
Kumar Ravishankar
Accepted

Kumar Ravishankar / Ganesh Kr.

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