

BEFORE THE DEPUTY LABOUR COMMISSIONER AND CONCILIATION OFFICER,
DIVISION - 1, BANGALORE

PTN/CR-93/2017-18

FIRST PARTY

Garment and Textile Workers Union
Mo.17/1, First Floor, New Guddadahalli,
Mysore Road, Bangalore-560026.

Vs.

SECOND PARTY

1. M/s. Avery Dennison India Limited,
Plot No. 6B, 1st Main, Phase I, KIADB layout,
Peenya Industrial Area,
Bangalore-560058.

2. M/s. Sri Udyog Enterprise,
No. 252, 4th Main, 2nd Block, Opp. Dr.Rajkumar
Memorial, Nandini Layout
Bangalore - 560058.

3. M/s. Adecco India Pvt. Ltd.,
No.7A, 2nd Cross, SLVP Complex,
2nd Cross Road, Chikkamaranahalli
New BEL Road, Bangalore-560094.

STATEMENT OF OBJECTIONS FILED BY THE SECOND PARTY No.2

M/s. SRI UDYOG ENTERPRISES

That at the outset. The Second Party No.2 denies and disputes all the contentions, claims, demands, allegations, averments, imputations and insinuations of the First Party union save what is matter of records, and what has been specifically admitted herein. Without prejudice to the above, it is respectfully submitted as follows;

Preliminary Submissions;



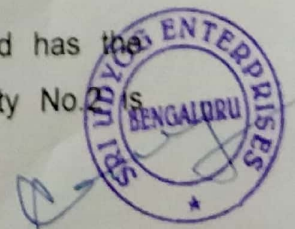
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1. The First Party Union has raised the above dispute seeking regularization of service of contract workers working under the Second party contractors in the services of the second party No.1. At the outset the claim for regularization is barred by jurisdiction. The said workers alleged to be members of the first party union are not workmen under definition of the Sec.2(s) of the Industrial Dispute Act, 1947. The said workmen are covered within the legal purview of the Contract Labour (Regulation and Abolition) Act, 1970. Therefore the claim for regularization is not maintainable either in law or on facts.

2. The Respondent contractor humbly submits that the first party union is not a recognised union by any of the second parties in this dispute. The first party union has not produced any evidence, credential before this Hon'ble Authority of their legal status as required under the Trade Union Act, 1926. The list of workers submitted by the first party does not carry any identification or authentication which they allegedly claim that these workers are employed by the respondent contractors. The Second Party No. 2 cannot identify these workers as their employees only based on the list provided by the First Party union. The First Party union ought to have produced the proof of membership and details of each worker along with their identification, failing which it is evident that none of these workers are members of the First Party union. It is necessary that this Hon'ble Authority directs the First Party union to keep present all the workers in the list before it so as to identify them in person. Therefore, the First party union has absolutely no *locus standi* to file this claim / dispute before this Hon'ble Authority.

3. The Second Party No.1 has filed their statement of objection where in it is stated that there is no jural employee and employer relationship between the list of workers and them. The Second Party No.2 has been providing manpower to Second Party No.1 as a contractor and has been following all legal compliances with regard to the employees provided in respective laws including the Contract Labour Act. At the same time it is also true that the Second Party No.2 has not known the First Party Union in any form. The First Party Union is not recognised by Second Party No.2. The First Party union has not raised any demands against the Second party No.2 at any point of time. The First Party union has also categorically stated that they have no claim whatsoever against the Second Party No.2 in this dispute.

4. The Second Party No.2 is functional for several years now and has the reputation of being legally complaint all through out. The Second Party No.



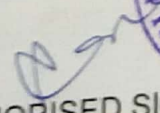

employer to its contract workers and is registered in accordance with the provision of The Contract Labour Act and has obtained all required licenses. The Second Party No. 2 is also enrolled under the provision of the ESI Act and Employees Provident Fund Act. The Second Party No. 2 has registration code allotted by these statutory welfare authorities and all its employees have their respective accounts wherein the Second Party No.2 remits the subscription regularly. Therefore the alleged claim of the First Party union that the contract between Second Party No.1 and 2 is sham contract is completely baseless and false. There is absolutely no evidence on record to prove that it is a sham contract. The employees of the Second Party No.2 have never raised any grievances or claims whatsoever against it in regard to the above dispute. Therefore there is no dispute between the first party Union and the Second Party No. 2.

5. The Second Party No. 2 reserves its rights to file additional / amended objection statements subsequently if necessary. It further reserves its rights to file any applications and documents and rely on binding judicial precedents should the need arise, in the interest of justice and for proper adjudication of the disputes. The Second Party No. 2 has not specifically denied each and every contentions of the First Party Union in para-wise reply and the same cannot be construed that the Second Party No.2 accepts any of the contentions.

6. Wherefore, the Second Party No. 2 prays that this Hon'ble Authority may be pleased to dismiss the claim raised by First Party union as untenable, not maintainable and barred by jurisdiction. The First Party union will not face any adversity if this claim is rejected. Whereas in the event of any liability been imposed on Second Party No.2 without any evidence on record and justification will amount to miscarriage of justice forcing to indemnify an illegal claim. The Second Party No. 2 prays that this Hon'ble Authority may please save them from such harassment and frivolous claims and advise the First Party suitably in the matter and close the dispute in the interest of justice and equity.

PLACE: Bengaluru
DATE: 01.03.2018

File Ref : SUE/Ave/2018/3/1



AUTHORISED SIGNATORY FOR
SECOND PARTY No.2