

Before the Labour Court cum Industrial Tribunal- 1, Gurgaon,
Haryana

In the matter of:

Ref No. 191/2016

Garment and Allied Workers Union

Versus

M/s Viva Global

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(1)

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

In the Matter of:

Garment and Allied Workers Union

Versus

M/s Viva Global

Memo of Parties

Garment and Allied Workers Union
Rao Maichand Complex, Plot No.1, Jwala Mill, Old Delhi Gurgaon Road, Gurgaon,
Haryana

Versus

M/s Viva Global
Plot No. 413, Phase III, Udyog Vihar, Gurgaon, Haryana.

Through ARs:

Shreyas Sarkar
Kumar Ravishankar
Anannya Bhattacharjee/Kumar Ravishankar/Shreya Sarkar

(2)

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

In the Matter of:

Garment and Allied Workers Union

Versus

M/s Viva Global

Notice of Motion

That the above mentioned case is likely to be listed on or after before the Labour Court cum Industrial Tribunal, Gurgaon. You are requested to kindly take notice of the same.

Through ARs:

Shreya Sarkar

Kumar Ravishankar

Anannya Bhattacharjee/Kumar Ravishankar/Shreya Sarkar
Rao Maichand Complex, Plot No.1, Jwala
Mill, Old Delhi Gurgaon Road, Gurgaon, Haryana

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

In the Matter of:

Garment and Allied Workers Union

Versus

M/s Viva Global

Exemption Application

It is requested that the Hon'ble court may kindly exempt the petitioners from filing the certified copies of the relevant annexures, the same will be done in due course. The Hon'ble court may also exempt that some of the annexures relating to the petition which are not filed along with the petition, but are important for the determination on the subject matter of the dispute, and allow them to be filed at a later stage when needed.

Thank you.

Shreya Sarkar
Kumar Ravishankar
Through ARs,

Anannya Bhattacharjee/Kumar Ravishankar/Shreya Sarkar
Rao Maichand Complex, Plot No. 1
Jwala Mill, Old Delhi Gurgaon Road,
Gurgaon Haryana

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

In the Matter of:

Garment and Allied Workers Union

Versus

M/s Viva Global

Statement of Claim

It is Most Respectfully Showed:

1. This Statement of Claim is being filed according to the Letter of Reference of the Labour Department, Government of Haryana Dated. 29.09.2016, in which the Labour Department recognizes that there exists an Industrial Dispute between M/s Viva Global and Garment and Allied Workers Union, **Annexure- P1**. The Reference is based on an admitted fact of Lockout and demands the determination of the question:

Whether the Lock out declared by M/s Viva Global, is Legal and Justified?

If not, to what relief the Workers are entitled to?

2. That the Workers named here had been employed at M/s **VIVA GLOBAL**, Plot No. 413, Phase III, Udyog Vihar, Gurgaon, Haryana.
3. That the Management of the above Company had been continuously violating the Labour Laws in a gross manner including, non-payment of minimum wages, non-compliance with legal health and safety provisions, not providing safe drinking water, hygienic toilet facilities, fans and coolers at workplace, not letting workers to go on earned leaves, not paying overtime as prescribed under various provisions of **Factories Act, 1948**, not providing ESI and PF facilities to all workers, not issuing appointment letters to all Workers, not issuing pay slips to workers, illegal engagement of workers in perennial activities in the company under contract labour system without any registration or certification as per **Contract Labour (Regulation and Abolition) Act, 1970**, etc. and most importantly, trying to suppress, through threat as well as appeasement, the workers' right to form a union guaranteed under **Article 19 of the Constitution of India**. The Workers in this regard had made several representations to the Company as well as the Labour Department from July 2010. Workers and their Representatives also met with the Management's representatives including the **Director Mr. Vipin Vohra** many times requesting him to ensure that the Company complies with labour laws, but with no positive response.

4. That a collective complaint was given by the Workers of M/s Viva Global before the Asst. Labour Commissioner/Conciliation Officer, Gurgaon, against the Management of the Company, stating the violations of labour laws in the Company premises, dated 14.07.2010 (**Annexure- P2**).
5. That after these conciliation proceedings was initiated between the management and the workers under the supervision of the Assistant Labour Commissioner, Gurgaon. The Workers' representatives took a proactive conciliatory approach in these negotiations and an understanding was reached whereby the Company management agreed to comply with the labour laws and the workers would cooperate to optimize production and work diligently. This settlement was reached on 23.08.2010. But instead the **Management locked out 102 Workers on 25.08.2010** when they reported for work following this understanding. The copy of the conciliation proceedings is attached here as **Annexure P3**.
6. This illegal Lock Out in the Company was retaliation for Workers who were associated with the **Garment and Allied Workers Union (hereinafter called the GAWU)**. The list of **102 Workers** who were locked out by the Company Management is annexed here as **Annexure- P4**.

7. What is noteworthy is that this Lock Out was carried out during the pendency of ongoing conciliation proceedings and also during the currency of the Agreement reached upon therein. The respondent had neither given any notice to the Workers nor informed them about the reasons of the Lock Out. This act of the Management was clearly in contravention of **Section 23 and 24 of the Industrial Disputes Act, 1947.**
8. When the workers, complying with the direction of the Asst. Labour Commissioner, reported to work and tried to enter the company premises on 25.08.2010, they were attacked by the Management-supported goons and henchmen. The Workers were attacked with canes and hockey sticks without any provocation. The goons also **abducted a workman named Anwar Ansari** and kept him in their confinement for more than 14 hours and beat him badly. They also threatened him that if he wanted to remain safe he should leave Delhi immediately and return to his home state Bihar. It was only when the Workers filed an FIR in Dundahera Police station and the Hunger Strike by Ms. Anannya Bhattacharjee, President GAWU that the goons released Mr. Ansari under the pressure from the Police. The copy of **FIR No.157** dated 26.08.2010 is annexed here as **Annexure- P5**. This **FIR** is also proof of the incident of unprovoked violence by the Management-supported goons and

clearly shows the illegality of the Acts of Management to silence the legitimate demands of the Workers, by all means possible.

9. Even before the filing of the above mentioned collective complaint, the representatives of the Management repeatedly threatened Workers Nagendra Singh, Abhay Kumar, Kanchan Kumari and Dharam Pal of dire consequences if they continued their union activities. The representatives also told that if the Workers do not leave the unions then they would declare a Lock Out to punish the Workers.

10. The Management of the Company denied the Workers their legal right to work and used all means, even illegal, to stop and restrain them from claiming this right. Compelled by this the Workers sent representations dated 06.09.2010 and 14.09.2010 to the Deputy Labour Commissioner, Gurgaon, Assistant Labour Commissioner, Gurgaon and The General Manager of the Company for taking actions in respect to the said illegal Lock Out, but no action was taken.

11. In view of the inordinate delay on part of the Labour department, the Garment and Allied Workers Union was compelled to file a **writ petition numbered CWP 17722/2010** before the High Court at Chandigarh whereby the Hon'ble High Court vide its order dated 07.03.2011, ordered the Deputy Labour

Commissioner to resolve the dispute within three weeks. The copy of the order is annexed as **Annexure P- 6**.

12. In compliance with this order of the High court the DLC was compelled to consider the demand of the Workers and act in accordance with law. Conciliation meetings took place on 11.03.2011, 15.03.2011, 21.03.2011, 29.03.2011, 5.04.2011, 26.04.2011 and 2.05.2011, between the Workers' Representatives and the Management's Representatives under the supervision of the Deputy Labour Commissioner. Copy of these proceedings is attached here as **Annexure P-7**.

13. The Company agreed to partially lift the lockout with respect to 42 out of 102 Workers to resume duties before the conciliation officer on 02.05.2011. The company alleged that 20 Workers had already taken their full and final settlement and for rest 40 workmen the company refused allow them to resume work without giving any explanation or reason. That the said 42 Workers were allowed to join the Company on 9th May, 2011, but the Company failed to provide them with proper work and a peaceful atmosphere at workplace. List of the 42 Workers who were allowed to resume work is annexed as **Annexure- P8**.

14. The Management continued their practice of intimidating and **harassing** these 42 Workers and subjected them to physical violence and abusive languages. They were subjected to constant surveillance on the factory floor, and women workers were often subjected to threats of sexual violence. There was an overall atmosphere of fear prevailing in the factory premises.

15. Subsequently the Company started suspending Workers on fictitious grounds like misbehavior and without providing any written suspension orders or charge sheets and without following the proper legal procedure. On 23.05.2011 Abhay Kumar was suspended, in the same way Workers Nagendra Singh, Kanchan Kumari and Dharam Pal were suspended on the 25.05.2011. It is further submitted that no show cause notice was served upon the Workers **neither was any subsistence allowance paid to them during the period of suspension as mandated by section 10A of the Industrial employment(Standing Orders) Act, 1946**, nor any reasons were given neither or any departmental enquiry conducted. In a planned and intentional manner all the Workers who were allowed to rejoin under the understanding reached before the conciliation officer on 02.05.2011 were gradually refused work and therefore their lock out continued. Conciliation proceedings were once again instituted for the ongoing suspensions by the Company, but the

Management abstained from the conciliation proceeding reflecting its intention of refusing them work. Moreover, in the meantime, the Management absented and instead resorted to violence on the factory floor. Women Guards were supplied with sticks and knives to attack Workmen on 28.06.2011. The workers were locked inside the factory premises and beaten up mercilessly. This was reported to the Udyog Vihar Police station. In this way the **Management in continued with the lockout and refused work to all the Workers who had been allowed to rejoin work** according to the settlement reached before the Deputy Labour Commissioner. The medical reports of the workers who were subject of the factory violence is annexed here as **Annexure P9**. This time again the Lockout was resumed during the pendency of Conciliation proceedings which is again illegal and in contravention of **Sections 23 and 24 of Industrial Disputes Act, 1947**.

16. On 14.09.2011 the GAWU filed a general Demand Notice for directions to lift the illegal and unjustified Lock Out, annexed here as **Annexure P-10**. The management made a plea that they are not able to secure orders from the buyers because their reputation in market had been damaged due to international attention on their violation of labour laws. Even though, the Company was solely responsible for this gross violation of labour laws and **the Lockout was itself an manifestation of the disrespect for law and**

totally unjustified, the workers and the GAWU, in view of the fact that in this whole chain of events, **the workers were the only victims, agreed to help the company** regain the reputation of VIVA GLOBAL in the International Market provided the company lifted the lockout of all the workers and agreed to comply with the statutory Labour law Provisions in future.

17. The GAWU and the Company reached an understanding on a Draft agreement, wherein GAWU agreed to communicate to the buyers the willingness of the Management to properly comply with Labour laws and respect freedom of association of workers according to the Indian and international Labour standards.

18. But due to the bad faith and mala fide intention of the company, the conciliation failed. In particular the management persons Mr. Sharma, Mr. Mohan Dimri and Mr. Munchun who, in spite of ongoing conciliation proceedings, resorted to threats and violence against the workers. On 28.06.2011, as already mentioned, the Management did not come to the Conciliation proceeding and instead engaged in violence on the factory floor and locked out the main gate so that no worker could go out. The workers were brutally beaten in the indiscriminate violence that ensued. The

conciliation process thus failing, the labour officer prepared the failure report **(Annexure P-11)**.

19. Aggrieved by the delay by Government of Haryana in referring the matter to the Industrial Adjudicator the **GAWU** and the workers made a complaint dated 07.08.2012 to the Additional Chief Secretary, Labour and Employment, Government of Haryana which was duly received, however no reply to the said complaint had been received till date. **(Annexure P- 12)**

20. In respect of the delay in referring the dispute to the Industrial Adjudicator by the Appropriate Government a Writ petition numbered **CWP 5493/2013** was filed in the High Court, Chandigarh, which is still pending in the Hon'ble High Court. The negligence to refer the dispute to the industrial adjudicator clearly indicates that the conduct of the Labour Department did not meet the standards of neutrality and raises legitimate questions of collusion between the Company owners, the Government and the Haryana Labour Department.

21. The whole scenario depicted above is to explain the managerial philosophy, attitude and conduct of the Management of the Company in its industrial relations. They have demonstrated gross disrespect for law, suppressed and deprived the Workers of their legitimate and legal rights, blatantly violated labour laws and statutory provisions with impunity and resorted to illegal, and

unjustified lockout to coerce Workers who were protesting for their proper wages, leaves and respectable treatment at the factory premises.

22. The **Garment and Allied Workers Union** had been fighting for Labour rights since its inception and its only emphasis is that the Workers get their fair earned wages and dignified treatment at the work place and that the Companies employing them follow the statutory laws.

23. The lack of diligence shown by the Management of VIVA GLOBAL and their failure to appear in Conciliation Proceedings and failure to comply with the necessary legal provisions shows that they never intended to allow the Workers their rights.

24. **The continuation of the Lockout was also done when the High Court directed conciliation and the settlement reached therein was in operation and therefore was a direct violation of law and the authority of the Hon'ble High Court at Chandigarh.** This is clear from the acts of the Company. Due to the lockout and subsequent termination of the workers **they were out of work for 5 years** thereafter. The apathy of the Labour Department, Haryana and the Government of Haryana towards the plight of workers added to the misery of the workers and the **case has lingered on for**

more than six years. Many of them went back to their home state as it was hard to find jobs, more because of the ongoing dispute with VIVA GLOBAL.

25. The subsequent refusal of work to 42 workmen can only be considered a continuation of the initial lockout of 102 workmen from 25.8.2010 as the concerned workers were allowed to rejoin work as per High Court directed Conciliation and consequential settlement, only to be refused work again in less than a month. The Management has not paid them their earned wages, gratuity, bonuses or even the subsistence allowance for alleged suspension or any compensation under any provision of law to bring finality to the ongoing dispute. The workers are entitled to wages for the period of lockout, and adequate compensation for the prolonged period of forced unemployment.

26. That on the 29.03.2016, the Labour Department, Gurgaon sent its much awaited **Reference Letter** which was received by the GAWU around 15.04.2016 after about four and a half years of failure of the Conciliation process. In this Letter the Labour Department agreed to entertain the question in **para one**. This Letter of the Labour Department is a clear indication that there existed a dispute concerning the rights of workers working in Viva Global, and its attempt to term this matter as insignificant and stating that the demands of the workers did not deserve consideration, in its failure reports

and internal communications is patently malicious and biased against the workers.

27. That in **Syndicate Bank v/s Umesh Nayak**, it was held by the Apex Court that *Where there is a machinery for settlement of disputes , employees or employers not taking recourse of that but resorting to Strikes/ Lockouts is illegal and unjustified.*

28. Again in **Bhaskaran v/s Sub- Divisional Officer**, it was held by the Apex Court that a Lockout imposed by the Company without proper notice to the workers is illegal.

29. In **Krishna Sugar Mills v/s State of U.P** it was stated that *the workers are entitled to wages for the period of illegal Lockout.*

• **It is thus prayed that:**

1. The Court declare the Lock out carried on by the Management of Viva Global as illegal, improper and unjustified.
2. The lockout be lifted and all the workers be allowed to resume work.

3. The court direct the company to pay all the 102 workmen listed in the **Annexure P- 4** full wages for the period of illegal lockout from 25./08./2010 till it is lifted.
4. The Court may give appropriate order as it may deem fit in interest of justice to compensate the workmen in lieu of their illegal lockout and the expenses incurred in subsequent legal battle against the Company.
5. The entire case file of the dispute since first arisen be summoned from the Labour Office Gurgaon, and copies be provided to the parties.

Place: Gurgaon

Date: 13.09.2016.

Petitioners/Workers.

Through Authorized Representatives:

Shreyas Sarkar
Kumar Ravishankar
Anannya Bhattacharjee/Kumar Ravishankar/Shreya
Sarkar
Rao Maichand Complex, Plot No.1, Jwala Mill,
Old Delhi Gurgaon Road, Gurgaon, Haryana

हरियाणा सरकार
श्रम विभाग
आदेश

(18)

चूंकि हरियाणा के राज्यपाल की राय है कि प्रबंधक मै0 वीवा ग्लोबल, प्लॉट नं0 413, फेस-3, उद्योग विहार, गुडगांव मार्फत गारमेट एण्ड एलाईड वर्कर्स यूनियन, प्लॉट नं0 1, रॉय माईचंद कम्पलैक्स, अपोजिट मिलट्री स्टेशन, ज्वाला मिल, पुरानी दिल्ली-गुडगांव रोड, गुडगांव तथा उसके प्रबंधकों के मध्य इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है, चूंकि हरियाणा के राज्यपाल इसे न्यायनिर्णय हेतु निर्दिष्ट करना वांछनीय समझते हैं।

इसलिये अब औद्योगिक विवाद अधिनियम, 1947 की धारा-10 की उप धारा (1) के खण्ड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुये हरियाणा के राज्यपाल इसके द्वारा तथा समय समय पर किए गए संशोधन तथा उक्त अधिनियम की धारा 7-क, के अधीन गठित औद्योगिक अधिकरण, मार्कल-1, गुडगांव को नीचे विनिर्दिष्ट मामले जोकि उक्त प्रबंधकों तथा श्रमिकों के बीच या तो विवादग्रस्त मामला/ मामले हैं अथवा विवाद से सुसंगत या सम्बन्धित मामला/मामले हैं, परस्य निर्णय एवं पंचाट 6 मास में देने हेतु निर्दिष्ट करते हैं:-

Whether the lock on declared by M/s Viva Global Plot No. 413, Ph-3, Industrial Area Gurgaon w.e.f. 25-08-2010 is legal and justified? If not, to what relief the workers are entitled to?

दिनांक:- 16.03.2016

शशी गुलाटी
प्रधान सचिव, हरियाणा सरकार
श्रम विभाग।

15216-21

पृष्ठांकन क्रमांक:-आई0डी0/3/गुडगांव-1/1/2016/

दिनांक: 29/3/16

एक प्रति निम्नलिखित को सूचनाएं एवं आवश्यक कार्यवाही हेतु भेजी जाती है:-

1. अधिष्ठता अधिकारी, औद्योगिक अधिकरण, गुडगांव-1
2. प्रबंधक मै0 वीवा ग्लोबल, प्लॉट नं0 413, फेस-3, उद्योग विहार, गुडगांव।
3. गारमेट एण्ड एलाईड वर्कर्स यूनियन, प्लॉट नं0 1, रॉय माईचंद कम्पलैक्स, अपोजिट मिलट्री स्टेशन, ज्वाला मिल, पुरानी दिल्ली-गुडगांव रोड, गुडगांव।
4. उप श्रम आयुक्त, गुडगांव-1, एवं उप श्रम आयुक्त, गुडगांव-1
5. आंकड़ा अधिकारी (श्रम), कार्यालय श्रम आयुक्त, हरियाणा, चण्डीगढ़।

Page 3

श्री: प्रधान सचिव, हरियाणा सरकार
श्रम विभाग।

ANNEXURE P- ..

GARMENT AND ALLIED WORKERS UNION

PLOT No. 48, First Floor, Opposite Maruti Gate-2,

Old Delhi-Gurgaon Road, Gurgaon, Haryana

Phone: 0124-4385478

14 July, 2010,

Gurgaon.

To,

The Conciliation Officer,

Mini Secretariat,

Gurgaon, Haryana.

In the matter of: Workmen of Viva Global, Plot No. 413. Phase-III, Udyog
Vihar, Gurgaon.Subject: **Collective complaint against the management of Viva Global..**

Respected Sir,

1. That the management of Viva Global has not yet provided ESI and PF facilities to all workers.
2. That the management of Viva Global has not issued appointment letters to all workers even after working for long period.
3. That the management of Viva Global is not issuing pay slips to all workers in time.

4. That the management of Viva Global is not providing clean and hygienic toilet facilities and safe drinking water in sufficient quantity to all workers.
5. That the management of Viva Global has failed to provide sufficient fans and coolers to maintain workable temperature and also failed to provide proper canteen facility.
6. That the management of Viva Global does not let workers take leave according to law.
7. That the management of Viva Global is not paying workers bonus as per law.
8. That the management of Viva Global does not pay overtime as per law.
9. That the management of Viva Global has been engaging in unfair labour practices to break the union in the factory through offer of promotion to the union leaders and involving thugs and police to threaten them and threat of termination to all workers involved in union activities.
10. That the management of Viva Global is not paying minimum wage to contract workers and also not providing them PF and ESI facilities.
11. That the management of Viva Global is not paying the sampling tailors yearly increment and the market rate even after their repeated requests.
12. That the management of Viva Global is outsourcing work to other factories to punish workers and to prove that the workers are not interested in doing their work.

Therefore, it is high time for the labour department to intervene in the matter and take appropriate and effective steps to resolve these issues in the Viva Global. We request your reputed office to take appropriate steps immediately.

Sd/-

General Secretary,

Garments and Allied Workers Union,

Gurgaon, Haryana.

| | Name | Signature |
|-----|-----------------|-----------|
| 1. | Devendra Kumar | Sd/- |
| 2. | Arti Devi | Sd/- |
| 3. | Dharmpal | Sd/- |
| 4. | Nawal Kishore | Sd/- |
| 5. | Mahesh Kumar | Sd/- |
| 6. | Narendra Singh | Sd/- |
| 7. | Ashant | Sd/- |
| 8. | Veeraj | Sd/- |
| 9. | Devendra Singh | Sd/- |
| 10. | Shankar Sangati | Sd/- |
| 11. | Ripnu Devi | Sd/- |
| 12. | Ram Janak | Sd/- |
| 13. | Raj Kumar | Sd/- |
| 14. | Vind | Sd/- |
| 15. | Lalit Devi | Sd/- |
| 16. | Shutin Devi | Sd/- |
| 17. | Asha Devi | Sd/- |
| 18. | Bader.. | Sd/- |
| 19. | Radha Devi | Sd/- |
| 20. | Sanjay Kumar | Sd/- |
| 21. | Mumadnam | Sd/- |
| 22. | Shiram Kumar | Sd/- |
| 23. | Soni | Sd/- |

| | | |
|-----|--------------------|------|
| 24. | Sonam Yadav | Sd/- |
| 25. | Renu Devi | Sd/- |
| 26. | Brijesh Kumar | Sd/- |
| 27. | Sheelesh Kumar | Sd/- |
| 28. | Ajad | Sd/- |
| 29. | Om Parkash | Sd/- |
| 30. | Sunak Singh | Sd/- |
| 31. | Khushbu Devi | Sd/- |
| 32. | Sabik Kumar | Sd/- |
| 33. | Uday Kumar | Sd/- |
| 34. | Vishir | Sd/- |
| 35. | Narendra Kumar | Sd/- |
| 36. | Virendra Singh | Sd/- |
| 37. | Anjali Devi | Sd/- |
| 38. | Nakul | Sd/- |
| 39. | Kalam | Sd/- |
| 40. | Vabil Kumar | Sd/- |
| 45. | Dalip Kumar | Sd/- |
| 46. | Devendra Kumar | Sd/- |
| 47. | Vinita Singh | Sd/- |
| 48. | Sarla Dev | Sd/- |
| 36. | Sudha Devi | Sd/- |
| 37. | Shila Devi | Sd/- |
| 38. | Soni Devi | Sd/- |
| 39. | Vinita | Sd/- |
| 40. | Bhure Singh | Sd/- |
| 41. | Chanchal Devi | Sd/- |
| 42. | Sajita | Sd/- |
| 43. | Maya Devi | Sd/- |
| 44. | Sonu | Sd/- |
| 45. | Neha | Sd/- |
| 46. | Sounicha | Sd/- |
| 47. | Mala Devi | Sd/- |
| 48. | Munam | Sd/- |
| 49. | Mirgi Devi | Sd/- |
| 50. | Anita Devi | Sd/- |
| 51. | Santosh Kumar | Sd/- |

(23)

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- | | | |
|-----|---------------|------|
| 52. | Sajayou Kumar | Sd/- |
| 53. | Isurf Ali | Sd/- |
| 54. | Noor Mohammad | Sd/- |
| 55. | Pircha Devi | Sd/- |
| 56. | Bajjnath | Sd/- |
| 57. | Dwarkesh | Sd/- |
| 58. | Vinod Kumar | Sd/- |
| 59. | Naresh Shukla | Sd/- |
| 60. | Kiran Shukia | Sd/- |
| 61. | Rambadan | Sd/- |
| 62. | Chirangil | Sd/- |
| 63. | Polandi | Sd/- |
| 64. | Ravi Dass | Sd/- |
| 65. | Suresh | Sd/- |
| 66. | Sardasdara | Sd/- |
| 67. | Rakesh Kumar | Sd/- |
| 68. | Devi Kumar | Sd/- |
| 69. | Harig | Sd/- |
| 70. | Sinri Devi | Sd/- |
| 71. | Geeta Devi | Sd/- |

TRUE COPY

ADVOCATE

उपरोक्त - भीमली मन्जू, रेखादेवी, लज्जादेवी, सुजात लुगार, भीमली मन्जू देवी, रेणुदेवी, शान्तादेवी, मानादेवी, मन्जू, लुमूदेवी, अनुराधा सुजात, उषादेवी, ललितादेवी, सुचावत, सुशीला

किरण कुक्ला, सुचा, रनिादेवी, गुण्डादेवी, संगी टेलर का पद पर कार्यरत है। बताया कि इस कम्पनी में

एक कमी वेतन का शरिाक नही दिया गया व पलाट में कुलर की सुविधा नही है वही भी लगा दिया गया है। पिय S-लिफ नही देते व वही भी जारी करने लगा परन्तु प्रवन्धका द्वारा अब ये सभी शरिाक Pay SLP, E-S.I व P.F को दे दी है। व पूर्णतया लपू कर दी है। हर महीने समय पर मिल जाते हैं।

Asst. Labour Commissioner Circle-1, Gurgaon

दो व वही भी देते हैं। इतना बताया कि जानवरी-2010 व वही कर आया था वही मन्जू का शरिाक हाइड व कम्पनी

मैंने दे दिया था। ए.डी. शुक्ला व पी.पी. जी
शुक्ला महल ही लगे थी। जानकी सा साके
साके जारी कर दिए हैं। जब Advance की जरूरत
पड़ी तो मैं लंदे भी मिल जाते हैं। साहिलदेव
साहिलदेव व ए.ए. जी मिलता है। जब हम पुनः
को कोई परेशानी नहीं है।
मिनिमलजी की हस्ताक्षर: —

मीरा

Upto
नीलम देवी
प्रिया

खुराक संख्या के पी 150।

23/08/10

Gyants

मिनिमलजी
पुष्पा देवी

File 23/08/10

लमीता देवी

सुमित कुमार

अ.पी.
अ.पी.
रा.ए.
अ.पी.

RAKESH, K-23/08/10

सुधाकर
रेशा देवी

मंगु
मीना देवी
रेशा देवी
मीना देवी
कमल देवी
अ.पी.

Attended
M
Asst. Lab. Officer

मंगु

1000/1000

शामिक प्रतिनिधि का K.K. शिवाजी एजेंसी
यु.एस.एम. की टीम में जा रहा है।
गली है। इस लिए शिवाजी एजेंसी
20-8-10 को नवीन यु.एस.एम. की
पुष्टि कर दिया जाएगा

Kuniguzi
A/R
16/8/2010

16/8/10

16/8/10
16/8/10

शामिक प्रतिनिधि
16/8/10

शामिक प्रतिनिधि का के.के. शिवाजी एजेंसी है।
प्रधान्यक प्रतिनिधि श्री सुनजय कुमार (A.O.) उपस्थित

Asst. Labour Commissioner
Circle-I, Gurgaon

दोनों पक्षों के अनुरोध पर शिकायत पर
आगामी तिथि 23/8/10 निश्चित की जाती है।

श्री. सिंह
Kuniguzi

श्री. सिंह

16/8/10
16/8/10

शामिक प्रतिनिधि
16/8/10

शामिक प्रतिनिधि अपने प्रतिनिधि का के.के. शिवाजी एजेंसी
प्रधान्यक श्री. सुनजय कुमार (A.O.) की मदद से उपस्थित

शामिक प्रतिनिधि ने बताया कि शिकायतों को
हल करने के लिए 3-4 दिनों में रिपोर्ट देना होगा

Handwritten text at the top of the page, possibly a header or introductory lines.

Handwritten text in the middle section, including a date "26/8/10" and some illegible words.

Handwritten text in the lower middle section, containing a signature and some illegible text.

Handwritten text in the bottom left corner, including the name "Kunigoyi" and "A/R".

Handwritten text in the bottom center, including a signature and some illegible text.

Handwritten text in the bottom right corner, including a signature and some illegible text.

| Sr. no. | Name | Card No. | Designation |
|---------|------------------|----------|------------------|
| 1 | Narendra singh | P1446 | Tailor |
| 2 | Anwar Ansari | P1131 | Tailor |
| 3 | Shushil Kumar | P1012 | Tailor |
| 4 | Bhijan | P0698 | Tailor |
| 5 | Prem Chandra | P1067 | Tailor |
| 6 | Ramesh Kumar | P1454 | Tailor |
| 7 | Ram Naresh | S2362 | Line Supervisor |
| 8 | Musafir Ali | P1413 | Tailor |
| 9 | Dev kumar Yadav | P1273 | Tailor |
| 10 | Dharmendra kumar | P152 | Tailor |
| 11 | Dharam Pal | P1307 | Tailor |
| 12 | Ajay Kumar | P1428 | Tailor |
| 13 | Praveen Kumar | P1218 | Tailor |
| 14 | Vijay Kumar | P1197 | Helper |
| 15 | Ravi Das | P1401 | Tailor |
| 16 | Nizamuddin | D0014 | Tailor (P & D) |
| 17 | Vijay Kumar | P1001 | Helper |
| 18 | Shamshad Alam | P1448 | Tailor |
| 19 | Lala ram | P1580 | Sempling tailor |
| 20 | Mahesh Kumar | P0690 | Tailor |
| 21 | Pradeep Kumar | P1039 | Tailor |
| 22 | Surendra das | P1509 | Tailor |
| 23 | Amrendra Ray | P0401 | Tailor |
| 24 | Gopesh Ray | P1349 | Tailor |
| 25 | Nagendra Singh | P1145 | Tailor |
| 26 | Devendra kumar | P076 | Tailor |
| 27 | Nitish Kumar | P1463 | Tailor |
| 28 | Shani Dev | D0034 | Tailor (P & D) |
| 29 | Ram Janak | P107 | Tailor |
| 30 | Uday Kumar | P1236 | Tailor |
| 31 | Abhay Kumar | P0815 | Tailor |
| 32 | Santosh Kumar | P1443 | Tailor |
| 33 | Mithlesh Kumar | P1058 | Helper |
| 34 | Raj Kumar namdev | P1541 | Tailor |
| 35 | Chandan Kumar | P0751 | Tailor |
| 36 | Pintu Kumar | P1513 | Helper |

| | | |
|--------------------|-------|-----------------|
| 37 Rak Kumar | P1584 | Tailor |
| 38 Santosh Kumar | D0073 | Tailor (P& D) |
| 39 Ram Babu Shah | P1389 | Helper |
| 40 Sunil Kumar | P0547 | Tailor |
| 41 Pappu Singh | P1045 | Tailor |
| 42 Salauddin | p1341 | Tailor |
| 43 Bnaval Kishor | P1540 | Tailor |
| 44 Sangeeta Devi | P1072 | Tailor |
| 45 Sunita Singh | P1099 | Tailor |
| 46 Pratima Devi | P1147 | Tailor |
| 47 Sarita Devi | P1221 | Tailor |
| 48 Manjusha Devi | D0006 | Tailor (P& D) |
| 49 Rekha devi | P1480 | Tailor |
| 50 Kanchan Devi | P1081 | Tailor |
| 51 Meera Devi | P1091 | Tailor |
| 52 Asha Devi | P1362 | Tailor |
| 53 Aneeta Devi | P1205 | Tailor |
| 54 Sabrron Nisha | P1176 | Tailor |
| 55 Pooja Devi | D0057 | Tailor (P& D) |
| 56 Sangeeta Singh | p1305 | Tailor |
| 57 Khushboo Kumari | P1278 | Tailor |
| 58 Babita Devi | P1442 | Tailor |
| 59 Anuradha | P1201 | Tailor |
| 60 Sumitra Devi | P1435 | Tailor |
| 61 Usha Vishvas | P1154 | Tailor |
| 62 Shailendri | P1411 | Tailor |
| 63 Renu devi | P1491 | Tailor |
| 64 Usha Singh | P1488 | Tailor |
| 65 Amrita Devi | P1224 | Tailor |
| 66 Manju Devi | P1433 | Tailor |
| 67 Reeta Devi | P1302 | Tailor |
| 68 Geeta Devi | P1404 | Tailor |
| 69 Beena Devi | P1112 | Tailor |
| 70 Neelam Devi | P1430 | Tailor |
| 71 Meena Devi | P1083 | Tailor |
| 72 Arti Kumari | D0062 | Tailor (P& D) |
| 73 Soni Kumari | P1204 | Tailor |

| | | |
|-----------------------|-------|-----------------|
| 74 Vineeta Devi | P1097 | Tailor |
| 75 Sunita Pal | D0004 | Tailor (P& D) |
| 76 abita Devi | P1172 | Tailor |
| 77 Anju Devi | D0113 | Tailor (P& D) |
| 78 Reena Devi | P1410 | Tailor |
| 79 Subhdra Devi | P1546 | Tailor |
| 80 Parvat Singh | P1474 | Tailor |
| 81 Sunaina Devi | P1412 | Tailor |
| 82 Geeta Devi | P1274 | Tailor |
| 83 Priya Devi | P1082 | Tailor |
| 84 Gayatri Devi | P1364 | Tailor |
| 85 Omkar | P1483 | Tailor |
| 86 Mohammad Sarfuddin | P1431 | Tailor |
| 87 Balram kumar | D0046 | Tailor (P& D) |
| 88 Kishor Kumar | D0009 | Tailor (P& D) |
| 89 Pappu Kumar | D0097 | Tailor (P& D) |
| 90 Narendra Kumar | P1506 | Tailor |
| 91 Ashck Kumar | M0053 | Helper |
| 92 Arvind Kumar | P0715 | Helper |
| 93 Ritesh Kumar | D0087 | Tailor (P& D) |
| 94 Pradeep Kumar | P0448 | Helper |
| 95 Veerendra Kumar | p1334 | Tailor |
| 96 Kamal Kishor | P1280 | Tailor |
| 97 Ishfaq Ansari | P1459 | Tailor |
| 98 Nirbhay Kumar | P1451 | Tailor |
| 99 Vipin Kumar | P0971 | Tailor |
| 100 Pintu Kumar | P1534 | Tailor |
| 101 Madan Lal | D0028 | Tailor (P& D) |
| 102 Santosh Kumar | E1073 | Helper |

Annexure F-5

(i) Date of Occurrence: _____
 (ii) _____
 (iii) _____
 (iv) _____

Section: _____
 32-347-105-506/34

3 Occurrence of Offence:
 (a) Day: Wednesday Date From: 25-06-2011 Date To: 25-06-2011
 Time From: 09:30 AM Time To: 05:00 PM
 (b) Information received at P.S: Date: 25-06-2011 Time: 04:45 hrs
 (c) General Diary Reference: Entry No: 45 Time: 04:45 hrs
 Type of Information: WRITTEN

4 Place of Occurrence:
 (a) Direction and Distance from P.S: East/1.0 Km Beat No: 03
 (b) Address: VIBHA GALOBA PLOT NO- 413 PH-III UDYOG VIHAR GGN. UDYOG VIHAR GGN
 (c) In case, Outside the limit of the Police Station: District:

5 Complainant/Informant:
 (a) Name: ANWAR ANSARI (S/O) ASRAF ANSARI
 (b) Birth Year: _____ Nationality: INDIA
 (c) Passport No: _____ Date of Issue: _____ Place of Issue: _____
 (d) Occupation: _____

(e) Address: C/O RAVINDER SINGH YADAV GALI NO 11 KAFASHERA DELHI

6 Details of Known/Suspect/Unknown accused with full particulars(attach separate sheet if necessary):
 (i) FIVE SIX UNKNOWN PERSON (R/O)
 (ii) _____
 (iii) _____

7 Reason for delay in reporting by the complainant/informant:

8 Particulars of the properties stolen/involved(attach separate sheet if necessary):

| Sl.No. | Property Type(Description) | Est. Value(Rs) | Status |
|--------|----------------------------|----------------|--------|
| (i) | | | |
| (ii) | | | |
| (iii) | | | |

9 Total value of property stolen:

10 Inquest Report/U.D Case No., if any:

F.I.R. Contents attach separate sheet if required,

व्यक्त अज्ञाने अनवर अंसारी S/O अनवर अंसारी गाड़ी मुकदमा R/O वाट अंसारी थाना मंडोरा जिला छपरा बिहार हाल किराये मकान
 संख्या 111 यादव गली नं० 11 कापसहेडा दिल्ली वा उम्र 31 साल। ब्याग किया की मै उपरोक्त पते का रहने वाला हु और मै जनवरी
 2009 से बिभा गनीवल कंपनी पराट नं०- 413 फंस- III में नौकरी कर रहा हु। दिनांक 21.08.10 से मै अपनी कंपनी उपरोक्त उद्योग
 विहार मुडगाव में ड्यूटी पर नहीं आ रहा था आज दिनांक 25.8.10 को मुझे करीब 9.30 AM ड्यूटी पर जाने के लिए कंपनी के पास
 गाडी को P & D ठेकेदार के 5/6 आदमी तो गाडी लिए खडे थे जो P & D ठेकेदार के आदमी कहने लगे कि P & D के आदमी अपना
 हिसाब ले लो और अन्दर नहीं जाना है। तो मैने उनसे ये कहा की P & D के आदमियो का हिसाब कर रहे हो तो मै तो भी कंपनी से हिसाब
 करता तो तो उन्होने कहा कि कंपनी के आदमियो से हमारा कोई बखला नहीं है हम तो P & D ठेकेदार का हिसाब कर सकते है कुछ देर वाट
 युनियन के आदमी आ गये तो P & D के आदमी उनके पास भाग कर चले गये और युनियन के आदमी उनको टफ़तर में आने के कि कह
 कर चले गये तो P & D के आदमियो ने डाण्डे लेकर हमारे मारने लगे तो मै उनके आगे भागने लगा कुछ दुर जाकर सडक पर एक आ रही
 गाडी के साथ मैरी टकरा हो गई जिससे मेरे माथे में वा बाई आख पर था बाई तरफ कमर में गिरने से चोटे आई फिर P & D ठेकेदार के
 आदमियो ने मुझे थपपड मुझो से मारने लगे और मुझे पकड कर अपनी गाडी कि डिक्री में डाल लिया। फिर मुझे मैरी आखे बांध कर मुझे
 की पीठ केिब स्थान पर ले गये और ले जाकर एक टफ़तर में बैठा दिया और मुझे करीब 8.30/ 9 बजे तक वहा बैठा कर बाध रखा और
 मुझे कर 2 के आदमी ये धमकी देते रहे कि यदी जीवित रहना चाहता है तो हरियाणा दिल्ली छोडकर बिहार चला जा कल ही गाडी पकड
 लेना वना मेरे हाथ पैर सजामत नहीं छोडन और फिर मैरी आखे बाध कर अपनी गाडी में डालकर करीब 11 बजे अनुषु घर कापसहेडा के पास
 तो छोड देने गए ये 5/6 आदमी जिनके नाम नहीं जानता P & D ठेकेदार के आदमी थे जिनोने मुझे थपपड मुझो से मार पीट कर बन्दी
 कायम अपनी गाडी की डीक्री में डालकर ले गये और मुझे किसी अनजान टफ़तर (कमरा) में बैठा कर रखा और मैरी आखे बाध कर मुझे
 आयु घर कापसहेडा छोडकर चले गये और मुझे हाथ पैर तोडने की धमकी टी के हरियाणा दिल्ली छोडकर अपने बिहार जाने के लिए कहा है
 जिनके खिलाफ कानुनी कार्यवाही कि जाएे Sd. अनवर अंसारी Attested Mahipal Si Ps U. Vihar Date 26.08.10 कार्यवाही
 पुलिस - आज एक दरबास्त क्रमांक 215 P date 25.08.10 कार्यालय ACP उद्योग मुडगाव से डाक द्वारा थाना पर प्राप्त हुई जिस
 संदर्भ में DD No- 36 dt 25.8.10 दर्ज रोजनामचा कि गई जिसकी तस्दीक के लिए मन SI मय सि० सुनील कुमार 1927 सि० कृष्ण
 कुमार 2/765 के मकान अज्ञाने रविन्द यादव कापसहेडा में हाजिर मिला जिसने अपना उपरोक्त ब्याग तहरीर कराया ज्यों का त्यों लिखा गया
 पढ कर सुनाया गया जिसने अपने ब्याग को ठीक मानकर ब्याग के निचे अपने हस्ताक्षर हिन्दी किये जिसकी मै तस्दीक करता हु मुलाहजा
 जिनम से एक चोट बाई तरफ आख वा माथे पर निलगु वा सोजीस नुमा कमर में बाई तरफ दट्ट ब्याग करता है जिसका नक्शा मजतबो तैयार
 करके बराय डायटरी मुलाहजा बटस्त सि० कृष्ण कुमार 2/765 GH मुडगाव भेजा जा रहा है और ब्याग उपरोक्त से जुर्म धारा
 323,342,365,506,34 IPC का होना पाया जाता है जिस पर तहरीर हजा बराये कायमी मुकदमा बटस्त सि० सुनील कुमार 1927
 थाना भेजा जा रहा है वाट कायमी मुकदमा नम्बर मुकदमा से सुधित किया जाएे मनSI दिग्ग तपक्रीश में व्यस्त होता हु। अज : कापसहेडा
 दिल्ली Sd. Mahpal SI, PS U. Vihar Date 26.08.10 AT 1.15 AM. अज थाना :- उपरोक्त तहरीर थाना हजा पर प्राप्त होने पर
 मुकदमा नम्बर 157 Date 26.08.10 U/s 323,342,365,506,34 IPC Ps Udyog Vihar Gurgaon. दर्ज कम्पुटर किये
 जाकर प्रगार प्रतिया तैयार की गई जो स्थल रिपोर्ट तैयार करके वनरिया स्पेशल सिपाही वलद्वीर सिंह 1840 के इलाका मैजिस्ट्रेट साहब वा
 अपसदान की सेवा में भेजी जा रही है। नकल मिशल पुलिस मय असल तहरीर आरिन्दा C के चिट्ट SI भेजी जा रही है।

13 - Action Taken (Since the above information reveals commission of offence(s) u/s as mentioned at item No.2:

- (i) Registered the case and took up the investigation OR
- (ii) Directed (Name of the I.O): MAHI PAL Rank: Si
 No. 06901114 to take up the investigation, OR
- (iii) Refused investigation due to: OR
- (iv) Transferred to P.S (name): District:
 on point of jurisdiction

F.I.R read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost:

R.O.A.C

(32)

Police Station: GURGAON P.S.:UDYOG VIHAR Year:2010 FIR No.:157 Date:26-08-2010

Signature / Thumb Impression
of The Complainant/Informant

[Handwritten Signature]
Signature of Officer

Name: MADAN LAL

Rank: ASI

No.: 00000073

15. Date and Time of despatch to the court:

ANNEXURE P-2/T

First Information Report
(U/s 154 Cr. PC)

1. District: Gurgaon P.S. Udyog Vihar Year: 2010 FIR No. 157 Dated: 20.08.2010
2. Act(s) Section(s)
(I) IPC 1860 323/342/365/506/34
(II)
3. Occurrence of offence:
(a) Day Wednesday Dated From: 25.08.2010 Date To: 25.08.2010
Time Period Time From: 9:30 hrs. hrs Time To: 23:00 hrs
(b) Information received at P.S. Date 26.08.2010 Time: 1:45 hrs
(c) General Diary Reference Entry no(s): 45 Time: 1:45 hrs
4. Type of Information: Written
5. Place of occurrence:
(a) Direction and distance from PS: East / 1.0 Km Beat No. 03
(b) Address: VIBHA GALOBL PLOT No. 413 PH-III UDYOG VIHAR GGN, UDYOG VIHAR GGN.
(c) In case, outside the limit of this Police Station,
Name of P.S. _____ District _____.
6. Complainant/ Informant:
(a) Name: ANWAR ANSARI (S/O) ASRAF ANSARI
(b) Birth Year: _____ Nationality :INDIA
(c) Passport No. _____ Date of issue: _____ Place of Issue _____

- (d) Occupation
- (e) Address : C/O RAVINDER Singh YADAV, GALI No. 11,
KAPASHERA DELHI.
7. Details of known/Suspect/Unknown accused with full particulars
(attach separate sheet if necessary):
- (i) FIVE SIX UNKNOWN PERSONS
8. Reason of delay in reporting by the complainant/ informant: No Delay
9. Particulars of the properties stolen/involved (attach separate sheet if
necessary):
- | Sr. No. | Property Type (Description) | Est. (Value (Rs.)) | Status |
|---------|-----------------------------|--------------------|--------|
| (i) | | | |
| (ii) | | | |
10. Total value of property stolen:.
11. Inquest Report/U.D. Case No., if any:
12. FIR contents:

Statement of Anwar Ali S/o Asraf Ansari Caste Mohamadan
R/o Babu Asaiyan, PS- Mandora Dist. Chapra, Bihar, at present
residing on rent in the House of Ravinder Singh Yadav Street No.11,
Kapsehrha Delhi, Aged about 31 years. Stated that I am resident of
the above said address. From January 2009. I am doing job at Vibha
Global Company Plot No. 413 phase III. On 21-08-2010 I was not
coming on duty from my above said company Industrial Area
Gurgaon. Today on 25-08-2010. in the morning at about 9.30 AM
when I went on duty to company than 05-06 persons of the P&D

Contractor were standing there with two- three vehicle and said that the employees under P& D Settle their amount and don't go inside. Then I said to them that if u are getting settle the amount of the P&D employees than also got my account clear from the company, then they said that we don't have any concern with the persons of the company, we can make clear the accounts of P&D employees. After some time two persons of the Union came and the employees of P&D ran towards them and the persons of the union went from there and said them to come the office. Then P&D employee started to beat us with the sticks/ danda and I started running before them after going at little distance I met with an accident with a car coming on the road which causes injury on my forehead, left eye, and on the left side of the west. Then the employees of the P&D contractors started beating me with fist and slaps and picked me up and throw me in the Dikki. Then they closed my eyes and took me to unknown place and make me to sit in an office and kept me tied and sit there for 8: 30/ 9 and threaten me again and again that if u want to live alive leave Delhi, Haryana and go to Bihar. Board the train tomorrow otherwise we will not left your hand and foot safe. Then they covered my eyes and at about 11 drop me at Appu Home Kapasherha and ran away. Hose 5-6 persons whose name are not known to me are employees of the P&D contractor who beat me with slaps and feast and took me away in the dikkai of the car and kept me sitting in the unknown office, covered my eyes and dropped me at Appu Home Kapsehrha and went away and threaten me to leave Delhi Haryana and go to Bihar. Legal action should be taken against them.

Relevant portion has been translated

13. Action Taken (Since the above information reveals commission of offence(s) u/s as mentioned at item No. 2

(i) Registered the case and took up the investigation OR

(ii) Directed (Name of the I.O: MAHIPAL Rank: SI

No.:00001114 to take up the investigation, OR

(iii) Refused investigation due to: OR

(iv) Transferred to P.S. (name): District:

(V) of jurisdiction.

F I R read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost:

R.O.A.C:

14.

Signature/Thumb Impression
of the Complainant/Informant:

Signature of Officer,

Name: MADAN LAL

Rank: ASI No. 00000073

15. Date and Time of dispatch to the court:

True Translated Copy

Advocate

ANNEXURE P-- 5

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 17722 of 2010

Date of decision: 07.03.2011

Garment and Allied Workers Union.

...Petitioner

Versus

The State of Haryana and others.

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHESH GROVER.

Present: Mr. R.S. Bains, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana for respondents no. 1 & 2.

Mr. Harvinder Singh, Advocate .

Mr. K.S. Dhaliwal, Advoate for respondent no. 3.

MAHESH GROVER, J.

Learned counsel for the petitioner says that Annexure P-7 is not being looked into by respondent no.2

Dr. Anuradha Lamba, Deputy Labour Commissioner, Gurgaon is present in court . She states that Annexure P-7, which the petitioner refers to as demand, would be considered by her and an order would be passed in accordance with law.

Let the needful be done within a period of three weeks from today.

In view of the above, the instant petition has been rendered in fruituous and is disposed of accordingly.

7 3 2011.

Sd/- (MAHESH GROVER),

JUDGE.

TRUE COPY

ADVOCATE

उपस्थिति 26/5/10
 शारीक गण एवं अपर अधिकृत प्रतिनिधि की ओर
 के निर्धारण सहित उपस्थित
 प्रबन्धक की तरफ से श्री मोहन (AO) व श्री अशोक
 शर्मा (HR Manager) उपस्थित

प्रणिक व शारीक प्रतिनिधि ने बताया कि प्रबन्धक द्वारा शारीकों को कार्य पर नहीं लिया। जब तक शारीकों को इन्फो पर लेकर ही बातचीत आगे बढ़ सकती है चाहे तो प्रबन्धक गण इस पर लगझोला बैंक कर सकते हैं। हम सभी लगझोलावारी के लिए तैयार हैं परन्तु जब तक कोई लगझोला नहीं होता तब तक कोई शारीक कार्य पर नहीं जाएगा। वह वरत बैंक पर अपना बैंक अकॉउंट कर रहे हैं।

26/5/10
 26/5/10
 26/5/10

प्रबन्धक प्रतिनिधि ने बताया कि हमने किसी भी शारीक को कार्य से निकाला। ना ही कार्य पर आने से रोक दिया। प्रबन्धक आज भी मिलानित शारीकों को बैंक कर लगी शारीकों को कार्य पर लेने के लिए तैयार हैं।

दोनों पक्षों के अनुरोध पर इस विचारगत में 27/5/10 को 2.00 बजे
 निर्धारित की जाती है।

26/5/10
 26/5/10
 26/5/10
 26/5/10
 26/5/10

कोई लिखित डिग्री चार्ज प्राप्त नहीं हुआ।
 इसके आतिरिक्त एगारे द्वारा केवल 4 शीगों को निलंबित
 को छोड़कर जिनको निलंबित किया हुआ है। जो 3 को 1 को
 लागू कर दिया हुआ है। जो छोड़कर इसके लिए आज
 तक शीगों द्वारा हमें डिग्री चार्ज नहीं दिया गया। तथा
 रिमाइन्स में दर्शाए लिखुओं पर प्रबन्धक द्वारा पूर्ण
 परिपालना की गई है आज प्रबन्धक प्रातिनिधि द्वारा
 लिखित में विवरणी पत्राओं का उल्लेख किया है

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 31/08/10

पानी पड़ों का समझौता बर्त में काकी प्रमाल
 उपरोक्त समझौता नहीं हो सका। जिसका रिपोर्ट उपरोक्त
 आयुक्त-1, गुडगांव को लिखार में बनाकर दे दी जा रही
 तथा आगामी समझौता वर्षी उपक्रम-आयुक्त-1, गुडगांव
 के सम्मेलन में इसके उपदेशानुसार निर्धारित की जा रही
 तथा शीगों के प्रतिनिधि को निर्देश दिए जाते हैं कि व
 अपनी शिकायत लिखित उपक्रम आयुक्त-2, गुडगांव को
 रिपोर्ट करें। इस स्तर पर इस शिकायत में आगामी
 कार्यवाही न होकर उपक्रम आयुक्त के निर्देशानुसार
 चल ही जायगी।

[Handwritten signature]
 31/8/2010 रीगाना सिंह

गरे-तं सिंह
 31/8/10
[Handwritten signature]

नामोन्द्र सिंह
[Handwritten signature]
 31/8/10

उपस्थित
3-9-10

श्रीमान व श्रीमती श्रीमान श्री K. K. मिश्रा
हस्ताक्षर हैं। तथा श्रीमान श्रीमान, सुश्री व श्रीमान
हस्ताक्षर हैं।

श्रीमान व श्रीमती श्रीमान श्रीमान श्रीमान श्रीमान
हस्ताक्षर हैं। श्रीमान श्रीमान श्रीमान (श्रीमान श्रीमान
हस्ताक्षर हैं।

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St. Labour Commission
Circle-1, Gurgaon

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(43)

हो लकें। दोनों पक्षों के अंतर्गत पर
लाभदाग लेखक की तिथि 9/09/10 निश्चित
की जाती है।

6/8/2010

6/8/10

जयसिंह

Ang Duality

6/8/2010

6/8/2010

जयसिंह

सुधीर सिंह

DLC-I
दस्ता

6/8/2010

उप/ल/म/ल
9-8-10

दोनों पक्षों के बीच (है) दोनों पक्षों का
सममोला नदी है समा आगे उच्च
उत्प्रेषण के लिए नदी कापे।

9/9/2010

Terms

दस्ता

जयसिंह

9/9/2010

DLC-I / 10/10/10
दस्ता

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Asst. Labour Commissioner
Circle-I, Bargaon

Workers representative ने reply file कर दिया है।
 Management ने बताया कि 42 workers को काम पर
 body पर लाने को तैयार है। ~~32~~ ~~कार्य~~ ~~लाने~~ की details
 इसमें है ये कुछ है। 27 workers - probation, 16 को full
 में चुने हैं। 13 को contract workers, 4 को suspension
 में है। इसलिए 42 workers को अलावा इसके को
 को लाने को तैयार नहीं है! ~~Management~~

Workers Union के according Management को
 कि 25 दिनों में 20/11 को Workers Union को
 को लाने का काम करे 13 को लाने की permission
 को लाने को कि 102 को लाने 4 को लाने को
 full & Grad हो चका है उन्हें लेकर सब को
 को लाने तैयार है।

Management को यह पर सुझाव दिया है कि
 को Particular 3/11 को लाने को तैयार करे को है।
 को लाने को Particular
 Workers Union की request के next date = 2/5/11 को
 12 no. को लाने। Management will file the reply.

Spid. ~~Handwritten~~ ~~26/4/11~~
 Ommund
 26/4/11

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 26/4/11

Ananya Bhattacharya for Garment & Allied Workers Union - Mr. Ritu Singh for Garment & Allied Workers Union
Mr. Mahesh Sharma, for Viva Global

Today union has filed another complaint. Copy is given to other party. Now come upon 15/3/11 at 11.00 for conciliation.

15/3/11
Debn
(Mahesh Kr. Sharma)
11/03/11

Ananya Bhattacharya
(Ananya Bhattacharya)
11/3/11

15/3/11 Mr. Ritu Singh for Garment & Allied Workers Union

Mr. Mahesh Sharma for Viva Global -
Come upon 21/3/11 for further conciliation at 13.00 am.

15/3/11
Debn
18/03/11

DLI

21/03/2011

दोनों पक्ष उपस्थित
34 नं०/11 अखिल मजदूरों का Training पर होने के कारण
एकदोपक्षीय तरीके से आगामी दिनांक 29/03/11 तक
का कार्य नहीं है

21/3/11

Shankar
SPIC cum
Deputy Labour Commissioner
CIRCLE

Deputy Labour Commissioner

Ananya Bhattacharya for Garment & Allied (46)
 Workers Union - Mr. Ritu Singh for Garment & Allied
 Mr. Mahesh Sharma, for Viva Global

Today Union has filed another complaint.
 Copy is given to other party. Now come upon
 15/3/11 at 11.00 for conciliation.

~~11/3/11~~ 15/3/11
 (Mahesh Kr. Sharma)
 11/03/11

Ananya Bhattacharya
 11/3/11

15/3/11 Mr. Ritu Singh for Garment & Allied
 Workers Union

Mr. Mahesh Sharma for Viva Global
 Come upon 11/3/11 for further conciliation
 at 13.00 am.

~~15/3/11~~ 15/3/2011
 15/03/11

DL

दोनो पक्ष उपस्थित
 34 नं. 11 अखिल भारतीय प्रशिक्षण पर होने के कारण
 उपस्थित नहीं हो सका आगामी दिनांक 29/03/11 दिनांक
 को उपस्थित

15/3/2011

Adambe
 SPIO Cum.
 Deputy Labour Officer

11/5/11
1/5/11

दोनों पक्ष उपस्थित

प्रबन्धक द्वारा reply दे दिया गया है।
प्रति शक्ति-संगठन को दे दी गई है।
इस आगामी तिथि 19/05/11 निम्न की जा
शक्ति-संगठन द्वारा ~~प्रबन्धक~~ Depty प्रबन्धक
जिल्ला की कार्य प्रबन्धक पर से दे दी

Ang Bhatta
2 May, 2011

~~Ang Bhatta~~
19/05/11

इस तरह 42 शक्ति कार्य पर जाने के लिए तैयार
इस पर शक्ति कार्य दिनांक 9/05/11 को
शरित गतव्य करवाने काम अधिकारी को निर्देश
दिले जाना

~~Ang Bhatta~~
19/05/11

Ang Bhatta
2 May 2011

शक्ति-संगठन
11/5/11

दोनों पक्ष उपस्थित

प्रबन्धक द्वारा अपना reply file किया गया
कार्य शक्ति प्रतिनिधि को दे दी गई है।
के अनुरोध पर आगामी लगभग 2
को निम्न की जाती है।

Om Lal

दोनों पक्ष उपस्थित

शक्ति प्रतिनिधि द्वारा अपना जवाब लिखा गया
जिल्ला प्रबन्धक पक्ष को दे दी गई।
रिपोर्ट सरकार को भेज दी जाना

Om Lal
23/5/2011

Ang Bhatta
23/5/2011

Om Lal
SPIO Cu Deputy Labour Commission
Muzumbari, CIRQUE GURGAON
Circuit Gurgaon

शक्ति-संगठन
11/5/11

आपका और सी. एल. आर. समूह कायूनों को तड़पाने का एक बीस साल इतिहास रहा जाला है।

इस नोटिस के जरिए आप प्रबंधक को आगाह कर रहे हैं कि तत्काल प्रभाव से हर तरह की unfair labour practice व मजदूर नेताओं के खिलाफ बंद कर दें। साथ ही हम पुनः एक बार आपसे अनुरोध करना चाहते हैं कि उपर्युक्त मांग-पत्रों एवं शोपन-फॉर्मों के फांशुलों के अनुसार तत्काल एक त्रिपक्षीय बैठक बुलाई जाए। जिस बैठक में यूनिजन के केंद्रीय प्रतिनिधि, यूनिजन के फैक्ट्री-कर्मियों के प्रतिनिधि व प्रबंधक प्रतिनिधि व वायर्स के प्रतिनिधि शामिल हों। हम यह भी स्पष्ट रूप से कह देना चाहते हैं कि कंपनी के किसी भी कामगार, कामगारों एवं यूनिजन नेताओं के खिलाफ हर तरह की कार्रवाई तत्काल प्रभाव से रोक दी जाए।

केंद्रीय उपर्युक्त विषयों की गंभीरता को ध्यान में रखते हैं हम आपको और आपके समूह प्रबंधक को आज से दो दिन तक का नोटिस देते हैं। इन सात दिनों के अंदर unfair labour practice व मजदूरों के खिलाफ बंद कर दी जाए। अन्यथा हमारा यूनिजन आपके कानूनी कार्यवाहियों के खिलाफ आपकी कंपनी के अख-हड़ताल, हड़ताल एवं गुड़गाँवा से लेकर राष्ट्रीय पैमाने तक व्यापक आभियान व कार्यक्रमों के लिए बाध्य हो जाएगा। जिसके परिणामस्वरूप आपका प्रबंधक होगा।

Deputy Labour Commissioner
CIRCLE-1, GURGAON

List of 42 workers whose lock out will be lifted on 9th May, 2011

Annexure P-8

List of workers whose lockout has been lifted

(50)

| Sl. No | Name of Worker |
|--------|------------------|
| 1 | Amarender Rai |
| 2 | Sunil Kumar |
| 3 | Mahesh Kumar |
| 4 | Viranjan Kumar |
| 5 | Devender Kumar |
| 6 | Abhay Kumar |
| 7 | Vijay Kumar |
| 8 | Pradeep Kumar |
| 9 | Pappu Singh |
| 10 | Mithilesh Thakur |
| 11 | Prem Chandra |
| 12 | Sangeeta Devi |
| 13 | Kanchan Kumari |
| 14 | Meena Devi |
| 15 | Meera |
| 16 | Vinita |
| 17 | Sunita Singh |
| 18 | Ram Janak |
| 19 | Beena Devi |
| 20 | Anwar Ansari |
| 21 | Nagender Singh |
| 22 | Pratima |
| 23 | Usha Bishwas |
| 24 | Babita |
| 25 | Sabroon Nisha |
| 26 | Vijay Kumar |
| 27 | Anuradha Verma |
| 28 | Soni |
| 29 | Anita Devi |
| 30 | Pravin Kumar |

List of 42 workers whose lock out will be lifted on 9th May 2011

(51)

| | |
|----|------------------|
| 31 | Sarita |
| 32 | Amrita Kumari |
| 33 | Uday Kumar Verma |
| 34 | Dev Kumar Yadav |
| 35 | Reeta Devi |
| 36 | Dharam Pal |
| 37 | Salauddin |
| 38 | Gopesh Ray |
| 39 | Asha Kumari |
| 40 | Ram Babu Shah |
| 41 | Ravi Das |
| 42 | Geeta Devi |

| दिनांक / Date | इलाज / Treatment |
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| 28/6/11 | 0313544259 |
| <p>Provisional (copy) 7753 under</p> | <p>Soni 204 ju Am. Vihar (Merged) M's am... 9 Veneer 100 Xmm</p> |
| <p>Referred to..... I SIC Hospital Sector-9 A, Gurgaon</p> | <p>HA Cap 0.502 100 Xmm</p> |
| <p><u>Quesada</u> Medical Officer ESI Disp. Udyog Vihar Gurgaon</p> | <p>28/6/11 10/10/11</p> |
| <p>24/7/11</p> | |

| दिनांक/Date | इलाज/Treatment |
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| 28/6/11 | 6913393079 Sankhata Devi 224 fw Prasad Akh... Carnalita Referred to ESIC Hospital Sector-9 A, Gurgaon Medical Officer ESI Disp. Udlog Vihar Gurgaon N. Sankhata Devi N. Sankhata Devi (or) ... [Signature] |

Referred to ESIC Hospital Sector-9 A, Gurgaon

Medical Officer
ESI Disp. Udlog Vihar
Gurgaon

[Signature]



DIRECTORATE OF
ESI- HEALTH CARE, HARYANA
ई०एस०आई०-स्वास्थ्य संरक्षण निदेशालय, हरियाणा



ESI HOSPITAL/DISPENSARY
ई०एस०आई० अस्पताल/डिस्पेंसरी

Certified that according to Entitlement Status Record of the I.Ps. Family attached for medical care to the dispensary as per requirement under ESIC Regulations 103-A is complete and upto date and that the person stated below, this day stands entitlement to medical benefit under ESI Scheme

विभाग/DEPTT. 34179 Signature of Clerk _____

व.रो.चि.सं./O.P.D. No.: _____

बीमा सं./Ins. No.: 6413392992

नाम/Name: Binita

बीमाकृत/परिवार/IP/Family: _____

आयु/Age: 234 लिंग/Sex: fw

निदान/Diagnosis _____

| दिनांक/Date | इलाज/Treatment |
|---|--|
| 28/1/11 | Physed no Assault by someone (any) in the in the night (in the casualty) + 2d |
| Referred to... ESIC Hospital Sector-A, Gurgaon | <u>Quintanilla</u> Medical Officer ESI Disp. Udyog Vihar Gurgaon 3:30pm |

GOVERNMENT OF HARYANA



DIRECTORATE OF
ESI- HEALTH CARE, HARYANA
ई०एस०आई०-स्वास्थ्य संरक्षण निदेशालय, हरियाणा



ESI HOSPITAL/DISPENSARY
ई०एस०आई० अस्पताल/डिस्पेंसरी

Certified that according to Entitlement Status Record of the I Ps. Family attached for medical care to the dispensary as per requirement under ESIC Regulations 103-A is complete and upto date and that the person stated below, this day stands entitlement to medical benefit under ESI Scheme.

Signature of Clerk

विभाग/DEPTT.:

व.रो.वि.सं./O.P.D. No.:

बीमा सं./Ins. No.:

नाम/Name:

श्रीभाक्त/परिवार/IP/Family:

आयु/Age:

लिंग/Sex:

निदान/Diagnosis

| दिनांक/Date | इलाज/Treatment |
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| 28/01/11 | वॉल्वेनलुमिडोसोपिडिन अस्पताल दर्पण वॉल्वेनलुमिडोसोपिडिन (ODX 20) |
| | Referred to ESIC Hospital Sector-A, Gurgaon CPD 28/01/11 Carnality ESIC Hospital Sector-A, Gurgaon |

Medical Officer
ESI Disp. Udyog Vihar
Gurgaon

Medical Officer
ESI Disp. Udyog Vihar
Gurgaon



DIRECTORATE OF
ESI- HEALTH CARE, HARYANA
ई०एस०आई०-स्वास्थ्य संरक्षण निदेशालय, हरियाणा



ESI HOSPITAL/DISPENSARY
ई०एस०आई० अस्पताल/डिस्पेंसरी

Certified that according to Entitlement Status Record of the I Ps Family attached for medical care to the dispensary as per requirement under ESIC Regulations 103-A is complete and up to date and that the person stated below, this day stands entitlement to medical benefit under ESI Scheme

34181

Signature of Clerk

विभाग/DEPTT.: _____

व.सो.वि.सं./O.P.D. No.: _____

बीमा सं./Ins. No.: _____

नाम/Name: Rajni Devi

दीगाकत/परिवार/IP/Family: _____

आयु/Age: 80y लिंग/Sex: F

निदान/Diagnosis _____

| दिनांक/Date | इलाज/Treatment |
|----------------|---|
| 28/11/11 | Advised to avail ESIC Card not available at present |
| 1-12 | In person computer visit by 723 Jind computer visit |
| Referred to... | Cemalita OPD |
| ESI Hospital | Sector-9 A, Gurgaon |
| | Medical Officer |
| | ESI Disp. Udyog Vihar |
| | Gurgaon |

DIRECTORATE OF HEALTH CARE, HARYANA



DIRECTORATE OF
ESI- HEALTH CARE, HARYANA

ई०एस०आई० स्वास्थ्य संरक्षण निदेशालय, हरियाणा



ESI HOSPITAL/DISPENSARY
ई०एस०आई० अस्पताल/दिव्यसरी

Certified that according to Entitlement Status Record of the I. Ps. Family attached for medical care to the dispensary as per requirement under ESIC Regulations 103-A is complete and upto date and that the person stated below, this day stands entitlement to medical benefit under ESI Scheme

विभाग/DEPTT.

34180

Signature of Clerk

व.रो.वि.सं./O.P.D. No.:

दीमा सं./Ins. No.:

नाम/Name:

meen devi

दीमाकृत/परिवार/IP/Family:

आयु/Age:

354

लिंग/Sex:

F

निदान/Diagnosis

| दिनांक/Date | इलाज/Treatment |
|-------------|--|
| 28/6/11 | Physic. in assault Criminal Case not available at present 7.15 PM to 7.30 PM 7.30 PM to 7.45 PM 7.45 PM to 8.00 PM |

Referred to...
S.A. Gurgaon
Medical Office
ESI Disp. Gurgaon

28/6/11

DIRECTOR REPORT NO. **Dec/14/234/2011**
 IN **PIC CHANDER**
 Name of the Person **Vineta**
 23 yrs. **Female Brahmin**
H.O. @ Dundu Hosa
 Date of Injury **28/6/2011** Time **11:15 PM**
 Date of Examination **28/6/2011** Time **11:15 PM**
 Name of the Doctor **Dr. Sankar Chandra**
 Name of the Hospital **Dr. Sankar Chandra**
 Name of the Police Station **Blacer mdo @ Side of Nceel**
 Name of the Magistrate **V.K. Bhowmik**
 Name of the Police Officer **V.K. Bhowmik**
 Name of the Doctor **V.K. Bhowmik**
 Name of the Police Officer **V.K. Bhowmik**
 Name of the Magistrate **V.K. Bhowmik**
 Name of the Police Officer **V.K. Bhowmik**

Ali-ens H/o Amol
 at Udyog Vih
 MZ-110/20 P4-76/

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|--|---|---|---|---|---|
| | | | (1) Contusion of forehead on external 2nd floor very small cut of suture 1 | | | | | |

In Witness Whereof
 I have signed and affixed my seal at this place on this date
28/6/2011
 V.K. Bhowmik
 In Presence of
100/
 V.K. Bhowmik
 SGN MEDICAL OFFICER
 Date

CL 6dyjykh
MP211019-11-1

28/6/2011
28/6/2011 11:40 AM
28/6/2011 11:40 AM

P.R. Chasin
Anandha
Kishore Nayak
Kant

28/6/2011 11:40 AM
28/6/2011 11:40 AM

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HN 346
Mub (H) Side 7th

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| | | | No external injury seen | | | | | |
| | | | Complains of Headache | | | | | |
| | | | admission x-ray skull | | | | | |
| | | | on S-ye-u | | | | | |
| | | | Complains of Acute abdomen | | | | | |
| | | | No external injury seen | | | | | |
| | | | admission x-ray | | | | | |

Control be null
Control be null

Signature: [Signature]

Place Cases
Date received: 28/6/2011
A free of [Signature]
Date: 28/6/2011
Name of Medical Officer in Charge: [Signature]

at Udyog Vin
 PAP-110180 P1-C

ADDITIONAL REPORT

1. Name of the person: **Sony**
 2. Age: **45**
 3. Sex: **Male**
 4. Date of Injury: **18/6/2011**
 5. Time of Injury: **11.05 PM**
 6. Place of Injury: **18/6/2011**
 7. Name of the person who reported: **Sony**
 8. Address: **H.N. 346, Munier Nije, Nisara, Block 1, Mule over Nisara.**
 9. Name & Address of the person who reported: **Vijay Chandra, Nisara**
 10. Name & Address of the person who reported: **Nisara**

| Sl. No. | Particulars | Remarks |
|---------|---|--|
| 1 | 1. Name of the person | Sony |
| 2 | 2. Age | 45 |
| 3 | 3. Sex | Male |
| 4 | 4. Date of Injury | 18/6/2011 |
| 5 | 5. Time of Injury | 11.05 PM |
| 6 | 6. Place of Injury | 18/6/2011 |
| 7 | 7. Name of the person who reported | Sony |
| 8 | 8. Address | H.N. 346, Munier Nije, Nisara, Block 1, Mule over Nisara. |
| 9 | 9. Name & Address of the person who reported | Vijay Chandra, Nisara |
| 10 | 10. Name & Address of the person who reported | Nisara |
| 11 | 11. Description of the injury | Multifocal abrasion over face red mark over forehead 0.5x0.5, near upper lip 0.5x0.5, side of face 0.5x0.5, side of face |
| 12 | 12. Name of the person who reported | Sony |
| 13 | 13. Address | H.N. 346, Munier Nije, Nisara, Block 1, Mule over Nisara. |
| 14 | 14. Name & Address of the person who reported | Vijay Chandra, Nisara |
| 15 | 15. Name & Address of the person who reported | Nisara |
| 16 | 16. Description of the injury | Slightly over forehead Side frontal region side of skull system |
| 17 | 17. Name of the person who reported | Sony |
| 18 | 18. Address | H.N. 346, Munier Nije, Nisara, Block 1, Mule over Nisara. |
| 19 | 19. Name & Address of the person who reported | Vijay Chandra, Nisara |
| 20 | 20. Name & Address of the person who reported | Nisara |

Price of Examination: **54/-**
 Date: **20/6/2011**
 Fee of Rs. **100/-**
 Paid to the Medical Officer: **100/-**
 Dated: **20/6/2011**
 Signature: **Vijay Chandra**
 Name of Medical Officer: **Vijay Chandra**
 Name of Medical Officer in Charge: **Vijay Chandra**

(80)

201 201/6/2012 201/6/2012

P. R. Ch...

201/6/2012 11:50 AM

201/6/2012 11:50 AM

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| No. | Particulars | Amount | Signature |
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Examination by G. H. V. 20/6/12

Signature: [Signature]

Date: 20/6/12

Amount: 100/-

Signature: [Signature]

Date: 20/6/12

ALLIED PHARMACY
1512 110th St

PK 9/16/23/1531
DATE 28-62

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DATE 28-62

| Time of day | Location | Personnel | Particulars of Injury |
|-------------|----------|-----------|------------------------|
| | | | Abraham ... (L) |
| | | | fracture of humerus of |
| | | | Complex of pain over |
| | | | (L) Shoulder ... |
| | | | X-ray (R) Shoulder ... |
| | | | of ... |

Place of Examination: Police Dept
 Date: 28/6/23
 In Police Dept: 100/
 In Police Dept: 100/

(63)

Before the Honourable Labour cum Conciliation Officer
Mini Secretariat, Rajiv Chowk
Gurgaon, Haryana

To,
The Management
M/s Viva Global
Plot No. 413, Phase-III,
Udyog Vihar, Gurgaon,
Haryana

Nagendra & others
Vs.
M/s. Viva Global

Subject: - General Demand Notice under Industrial Disputes Act, 1947
section 2A regarding Intentional Continuation of Lock-out of its workmen

Statement of Justification

1. That the workers whose names appear in the list annexed here as 'Annexure-1' have been employed at M/s. Viva Global, Plot No. 413, Phase-III, Udyog Vihar, Gurgaon, Haryana.
2. That the management of the aforesaid company had been continuously violating the labour laws and in this regard the workers had sent several complaints and representations to the management as well as to the labour department from July 2010. Workers and workers' representatives had met with the management's representatives including the Director Mr. Vipin Vohra many times requesting him to ensure that the company complies with labour laws, but they did not respond positively to their requests and representations.

14-9-2011

3. That a collective complaint had been given by the workers of M/s Viva Global to conciliation officer, Gurgaon, against the management of the company stating the violations of labour laws in the company premises, dated 14 July 2010(Annexture-1).
4. That the workers representatives had attempted many times to redress the dispute in conciliation but the management had not only denied settling the matter but also intentionally and forcefully locked-out the workers on 25 August 2010. This illegal lock-out in the company was for those workers who are associated with Garment and Allied Workers Union. List of workers who were locked-out by the company management is annexed here as 'Annexture-2'.
5. That the company management had neither informed the Labour department about aforementioned lock-out nor taken prior permission from the department. Even they had not given any notice to workmen about the lock-out. The management had locked-out workers with vengeance, during the process of an ongoing tripartite negotiation and before implementing the settlement reached between the management and workers on a negotiation that took place on 23rd August 2010 in the presence of the labour officer. (The details of the proceedings are available with the labour officer).
6. That the management of the company has violated the principles of mutually agreed understanding in the conciliation proceedings in presence of and under instructions of labour officer Mr. Suresh Yadav related to unconditional reinstatement of all workers on 25th August 2010. Instead, innocent workmen were attacked by the management supported professional goons and henchmen, when workers were trying to enter the company premises to perform their duty according to the direction of labour officer. Workers were attacked by them with canes and hockey sticks without any provocation. During the attack, women workers were not even spared and brutally beaten up and goons even tore their clothing in the day light. These hired goons and henchmen of the company also

abducted a workmen named Anwar Ansari and kept him in their custody for more than 14 hours and beat him badly. Only after the intervention of DCP, Gurgaon, Mr. Anwar was released by the goons with threat of dire consequences

7. That the management had locked-out workers to compel them to leave Garment and Allied Workers Union and also to suppress workmen's genuine, legitimate and legal demands.
8. That the management had neither paid earned wages for the month of August 2010 nor any compensation while workers have been locked-out.
9. The management had restrained the workers from entering the factory premises and the workers were not allowed to resume normal work in the factory, which is against the statutory law and is a lock-out under section 2L of The Industrial Disputes Act, 1947. This lock-out was imposed by the company in the course of conciliation proceeding and in violation of the understanding reached in presence of the conciliation officer to restore industrial peace and hence it is illegal under section (23)(a), (23)(c) and Section (24) of Industrial Disputes Act, 1947. Then the workers had given a demand notice 'Annexure-3' to the management of the company against their unjustified action of illegal lock-out through the Garment and Allied Workers Union under section 2L of the Industrial Disputes Act, 1947 demanding that the illegal and unjustified lock-out be lifted immediately.
10. That the workers working in the factory of Viva Global were having no other source of income except the employment in the factory. Therefore the Garment and Allied Workers Union have sent representations dated 06.09.2010 and 14.09.2010 to the Labour Commissioner, Gurgaon, Assistant Labour Commissioner, Gurgaon and the General Manager of Viva Global for lifting the illegal lock-out but no authority has taken any action with respect to lifting the above said illegal lock-out.

11. That in view of in-action on the part of the labour department, the Garment and Allied Workers Union was compelled to file a writ petition with the High Court of Chandigarh on 20th September 2010 through advocates R.S. Bains, Ashdeep Singh and Mandeep Kaur. On 7th March 2011, the single bench of Hon'ble Justice Mr. Mahesh Grover had ordered the labour department to fully and finally resolve the dispute in three weeks from the date of decision. The High Court order directed the Deputy Labor Commissioner to resolve the case within three weeks of March 7, 2011, the demand notice (annexed here as 'Annexure-3') - the DLC had accepted to the Hon'ble Justice Mr. Mahesh Grover in the High Court of Punjab and Haryana, Chandigarh, that she would consider this annexure to be the demand notice and would pass an order in accordance with the law. The order of the High court is annexed herewith as Annexure-4.
12. That after the order of the High Court, conciliation meetings took place on 11th March, 21st March, 29th March, 5th April, 26th April and 2nd May 2011. The company, after long delay and subsequent to the order of the High Court and in course of conciliation proceedings, was persuaded to lift the lock-out for only 42 workers whose list is annexed herewith as Annexure-5; rather the Garment and Allied Workers Union has submitted a list of 102 workers who were locked-out by the management. The management pleaded that 20 workers had taken their full and final dues and therefore not eligible for reinstatement. But the management had not provided any proof for this full and final settlement. The Company has refused to lift the lock-out of remaining 40 workers giving fictitious grounds about the status of such workmen and categorized them in three different basis:-
- a) 27 Workers as working on probation-(Annexure-6)
 - b) 9 Workers as working on contract-(Annexure-7)
 - c) 4 Workers as suspended by the management-(Annexure-8)
- But the management had neither provided any such proof nor reason of suspension and nor could they justify procedure of suspension and probation.

13. That after long conciliation process in the presence of Deputy Labour Commissioner, Ms. Lamba, forty-two workers were allowed to join the company on 9th May 2011 but the company management had no intention of giving them proper duty and maintain peaceful atmosphere in the company. The management failed to provide work to these workers since they did not have any order from buyers or any alternative arrangements for work.
14. That the company management started regular harassment of the workers in the shop floor in various ways. Garment and Allied Workers Union had complained about the ill-treatment of workers by the company management to the labour office. The management had even threatened workers with taking their lives and the threatened workers were forced to file complaint with Udyog Vihar Police station, Gurgaon. The management appointed a lady guard with the intention of harassing and abusing women workers. The lady guard used to follow women workers from shop floor to the toilet; verbally abused them and shouted at them on the shop floor. She used to threaten women workers with beatings and killings. There was incident of management spy waiting for women workers in the women's toilet with the intention of scaring workers of possible rapes and subsequently the company started suspending workers in groups citing misbehavior as the reason without following any proper legal procedure.
15. That the company made a plea that it was not able to secure orders from buyers because their reputation in market had been damaged due to the international attention on their violation of labour laws. Though, the company management has complained to the labour department about tool-down in the company, the fact is that there was no work assigned to the workers and the management had accepted this fact even to the labour officer during the conciliation process initiated by the labour officer Mr. Suresh Yadav during the complaint of tool down by the management. Then before the conciliation officer, on the request of the management, Garment and Allied Workers Union agreed to begin on an agreement to restore the company's reputation in the international market to

contact orders to Viva Global. The GAWU was willing to work on agreement with the management which would work as a precondition for a joint communication from the management and GAWU to the international community to get orders to Viva Global. GAWU was interested in Viva Global staying active in business since it was the source of livelihood of GAWU members. Then both parties i.e. management and union were preparing a draft agreement for the settlement. These negotiation meetings happened in the conciliation office and the Labour Officer Mr. Suresh Yadav was involved in the procedure. In that agreement, the union agreed to communicate to buyers the willingness of M/s. Viva Global to comply properly with labour laws and respect freedom of association, if the company management agreed and put in place effective mechanism to ensure the compliance of Indian labour laws and international labour standards.

16. That both parties agreed on most of the issues and there were a few differences between the parties. To settle these few differences GAWU was trying its best on the agreement procedure. Copy of drafted agreement which has been submitted to Labour Officer Mr. Suresh Yadav is annexed here as Annexure-9.
17. That during the negotiation process, the management was negotiating with GAWU in bad faith. While HR Manager Mr. Sharma and Mohan Dimri were busy with negotiation with GAWU, their abettors such as Mr. Munchun and the lady guard were busy harassing workers in Viva Global. That the understanding before the Conciliation Officer on 9th May, 2011 for partial lifting of lock-out were entered not with good faith or clean intention and was just a fraudulent cover up to evade the liability and consequences of illegal and unjustified lock-out, and subsequently intentionally suspended workers one by one. On dated 21.05.2011 workers Nagendra Singh and Dharam Pal were called by Mohan Dimri in his cabin. He threatened them of 'physically harming them.' A complaint has been filed with Udyog Vihar Police station in this regard. The same incident happened with worker Anwar Ansari and it is also reported to local police station. On the same date Anwar Ansari was illegally suspended by the management without any

- notice charge sheet. No suspension allowance has been paid to any of these suspended workers till date; and no notice regarding domestic inquiry has been sent to the workers. So this suspension was totally illegal and unjustified.
18. That on 23.05.2011 worker Abhay Kumar was suspended in the same way. Worker Nagendra singh, Kanchan Kumari and Dharam Pal were suspended on 25.05.2011. None of them were served any notice; they have not been paid any suspension allowance, so their suspensions were also illegal and unjustified.
 19. That women workers were mentally harassed by the management. The management denied workers their right to casual and sick leave. Whenever workers asked for leave, management denied. When workers returned from permitted leave, management refused to take them on duty, forced them to stand outside the gate for hours in the sun, forced them to give 'mafi nama'.
 20. That when the negotiations were going on for an agreement between the management and the GAWU before the conciliation officer, the management was also simultaneously in a planned and intentional manner suspending workers one by one, in retaliation.
 21. That on 28th June 2011, the management did not come for the negotiation meeting which the management had agreed with GAWU at Mini Secretariat in Gurgaon, instead engaged in violence on the shop floor. Women workers were brutally beaten up and attacked by the lady guard on management's direction with stick and knife. Management had locked the company main gate during the incident so that no worker could escape the violence. Mr. Shrama supplied the lady guard with stick and knife to attack workers. Women workers were injured during this violence and the injury reports are annexed here as **Annexure-10**. This has been reported to the Udyog Vihar Police Station, Gurgaon. Manager Mahesh Sharma threatened to workers that "if you come again to the factory premises, then consequences will be dire and you will be responsible for that." And thus the management locked out the rest of the reinstated workers on 28th June 2011.

22. That the management has not paid earned wages for the month of June 2010 yet and also has not paid suspension allowance and compensation while workers have been locked-out.

23. That it is clear that company management had no intention of peaceful running of the company when they allowed the workers to resume duty on 09th May 2011. The management had all intention of locking out workers through various fraudulent means while pretending to be resolving issues through negotiation with GAWU. Hence the management was only continuing the original lock out which began on 25th August 2010.

Demands

In view of the above facts and submission, it is demanded that

1. That the company lift the illegal, unfair and unjustified lock-out imposed against workers, as listed in annexure on August 25, 2010 and pay back full wages for the period of lockout from 25/8/2010 till it is fully lifted.
2. That the company pay suspension allowance to all suspended workers as per the section 10 A of the Industrial Employment (Standing Orders) Act, 1946 and resolve the matter of suspension immediately.
3. That the company pay earned wages as per section 3 of the Payment of Wages Act, 1936, to all the workmen who have worked for the month of August 2010 and June 2011 and whose wages are yet to be paid.
4. That the company bears medical expenses of workers due to attacks on women workers.

Date: 14.9.2011

Applicants

ॐ श्री गणेशाय नमः
A/K

Note: Five copies submitted before Labour cum Conciliation Officer

Through,
A.R. Vikash Barnwal/Retu Singh/Anannya Bhattacharjee
Rao Maichand Complex, Plot No. 1,
In front of Military Station,
Old Delhi Gurgaon Road,
Gurgaon, Haryana

Signature of other workers are
attached with Authority letter

ANNEXURE P¹¹Part -1
Failure report

Failure report of the Joint Demand Letter. Dated 14-09-2011 which was given by the labourers Sh. Nagender Singh and others Versus Viva Global Plot No. 413, Phase-3, Industrial Area Gurgaon

Statement of the Labourers

According to the joint Demand Letter Labourers has made four point wise demands, the copy of the demand letter is being sent to you.

Statement of the Administrator representatives:-

The administrator have not made any written comment regarding the joint demand letter, in which it is stated that the employees who have given the joint demand letter are not on the role of the comoany, all the labourers has gone voluntarily leaving the work. There is no justification in giving the demand letter to the labourer who have given the joint demand letter.

Yours faithfully

Sd/-

Labour and Conciliation Officer

Circle – T Gurgaon.

Attested

Sd/-

Labour Officer

Circle-T- Gurgao

TRUE TRANSLATED COPY

ADVOCATE

PART -1

Failure report of the Joint Demand Letter. Dated 14-09-2011 which was given by the labourers Sh. Nagender Singh and others Versus Viva Global Plot No. 413, Phase-3, Industrial Area Gurgaon.

Statement of the Labourers.

According to the joint Demand Letter Labourers has made four point wise demands, the copy of the demand letter is being sent to you.

Statement of the Administrator representatives:-

The administrator have not made any written comment regarding the joint demand letter, in which it is stated that the employees who have given the joint demand letter are not on the role of the company, all the labourers has gone voluntarily leaving the work. There is no justification in giving the demand letter to the labourer who have given the joint demand letter.

Yours faithfully,

Sd/-

Labour and Conciliation Officer

Circle -1, Gurgaon

Attested

Sd/-

Labour Officer

Circle-T- Gurgaon.

Contd...

PART -2

Failure report of the Joint Demand Letter, Dated 14-09-2011 which was given by the labourers Sh. Nagender Singh and others Versus Viva Global Plot No. 413, Phase-3, Industrial Area Gurgaon.

Confidential Report

After receiving the joint demand letter a solution meeting of both sides was called. In the solution meeting both the parties participated but no solution could be found out. So the report of the joint demand is sent to you which is as follow:-

| Serial No. | Demands | Comments |
|------------|---|--|
| 1. | That the company lift the illegal, unfair and unjustified lock out imposed against workers, as listed in annexure on august 25, 2010 and pay back full wages for the period of lockout from 25-08-10 till is fully lifted | Administrator have not imposed lockout but the labourer leave the work themselves voluntarily. Point no 1 is not demand, it's a dispute. |
| 2. | That the company pay suspension allowance to all suspended workers as per the section 10 A of the Industrial Employment (Standing Orders) Act 1946 and resolve the matter of suspension immediately. | The labourers suspended on this point are given suspension allowances, which is part of compliance. The administrators are completing it. Point no.2 is recommended to be cancelled. |
| 3. | That the company pay earned wages as per section 3 of the payment of wages Act, 1936, to all the workmen who have worked for the month of August 2010 and June | This point is not related to the demand, it is part of compliance, and hence this demand is also recommended to |

Annexure P-12

07 August 2012

Gurgaon

To,

Mr. P.K.Gupta, IAS
Additional Chief Secretary,
Labour and Employment Department,
Government of Haryana

Subject: -Complaint regarding not making reference by appropriate government (Government of Haryana) under section 10(1) of the Industrial Disputes Act, 1947 in the case of industrial dispute of illegal lock-out of 102 workers of Viva Global

Dear Sir/Madam,

1. That We, the workers of M/s. Viva Global, a garment factory in Plot No.413, Phase-III, Udyog Vihar, Gurgaon, Haryana, are writing this letter to ask about our legal right to reference under section 10(1) of the Industrial Disputes Act, 1947. Appropriate government is not making reference in our case and we are the aggrieved of this deliberate and intentional delaying process of reference.
2. That workers of M/s. Viva Global were illegally locked-out and violently attacked by the management of the company on dated 28th June, 2011. We have sent complain to Police station, Udyog Vihar, Gurgaon on the same day and also sent complain to Labour Department on dated 29 June 2011. We have filed a

collective demand notice of workers under section 2 K of the Industrial Disputes Act, 1947 to Labour-cum-conciliation officer, Circle-1 for the purpose of conciliation on dated 14-09-2011. Due to non-cooperation of the management, this industrial dispute has been sent on report to the government of Haryana on dated 15-11-2011.

3. That Labour-cum-conciliation officer, Circle-1 has sent failure report of conciliation under section 12(4) of the Industrial Disputes Act, 1947 to government on dated 15-11-2011, but till date after passing of 10 months, government has not made reference under section 10(1) of the Industrial Disputes Act, 1947. In the confidential report of failure report sent by Labour-cum-conciliation officer to government, it is clearly mentioned in the first point that there is an industrial dispute. Workers have right to get reference in this industrial dispute and government is deliberately and intentionally not making reference for its proper adjudication on merit. Workers have found copy of failure report and confidential report through RTI.
4. That this case is having wider importance and directly related with 102 workers and their family. It is the question of livelihood of more than hundred family and government is not making reference. In various cases of the Hon'ble Supreme Court and different High Courts including High Court of Punjab and Haryana, Chandigarh, it was held that reference must be made in case of industrial dispute or apprehension of industrial dispute. Making reference is not a judicial or quasi-judicial power of government, rather an administrative power. Government cannot deny making a reference to workers.

5. That In the case of Telco Convoy Drivers Mazdoor Sangh and others Vs. State of Bihar and others (1989 AIR 1565) the apex court clearly directed in the last Para of judgment state of Bihar to make a reference under section 10(1) of the Act of the dispute raised by Telco Convoy Drivers Mazdoor Sangh by its letter dated October 16, 1986 addressed to the general manager TELCO to an appropriate industrial tribunal within one month.
6. That we are seeking you urgent attention on not making reference in this case and urging you to make reference in this industrial dispute within one week, otherwise we will move Hon'ble High Court of Punjab and Haryana, Chandigarh for Writ of mandamus for proper reference without any delay.

✓
Nagendra Singh

On behalf of workers of Viva Global

Cc. - One copy of this complaint has been sent to Labour Commissioner, Haryana