

**BEFORE THE LABOUR-CUM-CONCILIATION OFFICER,
CIRCLE-I, GURGAON**

Memo No.

In the matter of an alleged Industrial Dispute

BETWEEN

Smt. Pushpa Devi w/o Sh. SurenderApplicant

AND

M/s. Choice Clothing Co. Pvt. Ltd.Respondent


**WRITTEN STATEMENT ON BEHALF
OF THE RESPONDENT TO THE
DEMAND NOTICE DATED 20.12.2013
FILED BY SMT. PUSHPA DEVI W/O SH.
SURENDER**

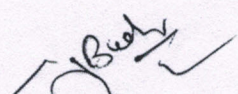
The above named management most respectfully submits as under:-

PRELIMINARY OBJECTIONS:

1. That the present alleged industrial dispute is not maintainable before this Hon'ble forum and liable to be dismissed without any further proceedings for the reason that Smt. Pushpa Devi was never terminated by the management though she was transferred to another Unit of the management at Noida for exigencies of work.



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2. That the present alleged industrial dispute is not maintainable before this Hon'ble forum and is liable to be dismissed at once because an 'industrial dispute' cannot be said to 'exist' until unless a demand is made by Smt. Pushpa Devi on the management and it has been rejected by the management. In the present case, Smt. Pushpa Devi instead of following the settled procedure of law, mechanically submitted his demand notice before the Ld Conciliation Officer, without raising any demand on the management before submitting his demand notice before Ld Conciliation Officer. Therefore, filing of a demand notice before the Ld. Conciliation Officer without first raising a demand and/ or submitting a demand notice on the management is patently illegal based upon the settled law including that of the Hon'ble Supreme Court of India in the case of Sindhu Resettlement.

3. That the present alleged industrial dispute is not maintainable before this Hon'ble forum and is liable to be dismissed at once because Smt Pushpa Devi is transferred to Noida branch wef 10.12.2013 and hence she has to report there in Noida and agitate the matter before concerned authorities in Noida.



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**WITHOUT PREJUDICE TO THE ABOVE PRELIMINARY
OBJECTIONS PARA-WISE REPLY ON BEHALF OF THE
RESPONDENT TO THE DEMAND NOTICE DATED
20.12.2013 IS AS UNDER:-**

1. That the contents of para 1 of the demand notice , as stated , regarding her designation, date of appointment, last drawn wages, are matter of record. It is wrong that the services record of the applicant is without any blemish.
2. That the contents of para 2 of the demand notice are wrong and denied. It is submitted that the applicant has suppressed the material facts and has not come to the forum with clean hands. It is reiterated that the management has never terminated the services of the applicant rather she has been absented from the employment at her own accord from 10.12.2013. In fact Smt Pushpa Devi was transferred vide letter dated 09.12.2013 (copy attached as Annexure "A") to Noida branch of the management due to exigencies of work vide clause 6 of the appointment letter dated 18.09.2000 hence, the question of terminating his services or compliance of Section 25 (F) of the Industrial Dispute Act, 1947 and/ or violating the provisions



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Industrial Disputes Act, 1947 does not arise at all. Smt Pushpa Devi has to put strict proof of her averments and assertion in this para.

3. That the contents of para 3 & 4 of the demand notice are wrong and denied. Smt. Pushpa Devi has to put strict proof of his averment and assertion in these corresponding para.
4. That the contents of para 5 of the demand notice are matter of records and hence needs no reply.
5. That the contents of para 6 to 8 of the demand notice are wrong and denied. Smt. Pushpa Devi has to put strict proof of his averment and assertion in these corresponding para.
6. That the contents of prayer clause in unnumbered para of the demand notice are wrong and hence denied. It is submitted that Smt. Pushpa Devi is not entitled for any relief as claimed.

Pushpa Devi



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[Signature]

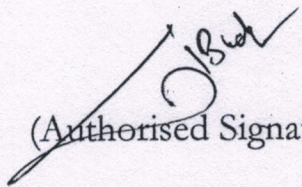
EXAMINER

18/3/24

PRAYER

In view of the submissions made above, it is most respectfully prayed that a report be sent to the appropriate government that the present alleged industrial dispute is not a fit dispute to be referred for adjudication before Labour Court.

For & on behalf of
M/s. Choice Clothing Co. (P) Ltd.

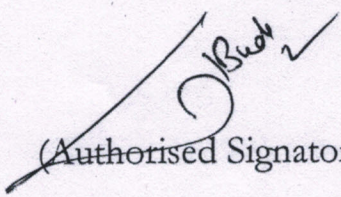

(Authorised Signatory)

VERIFICATION:

Verified that the above contents are true to the best of our knowledge and belief.

Verified on this 25th day of February, 2014 at Gurgaon.

For & on behalf of
M/s. Choice Clothing Co. (P) Ltd.


(Authorised Signatory)



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EXAMINER

18/3/24

दिनांक - 28-01-2014

पता: ग्राम: श्यामना प्रभादेवी

पत्तिका नाम: श्री सुरेंद्र

पद: कारीगर

विभाग: पार्ट-वेज

कोड नं: 1118

आवृत्ति पता: W/O सुरेंद्र, मकान नं. 02, इटाम विहार, फ्लैट-II
दीनदरपुर, साउथवेस्ट दिल्ली - 110043.



विषय: आपकी अयोग्यता के संबंध में

महोदय

जैसा कि आपको विदित है कि आपका रक्षा-पत्र दिनांक 10-12-13 को कम्पनी की दूसरी ईकाई M/s चवाईस क्लोथिंग कं प्रा० लि०, फ्लॉट नं० B-30, सेक्टर-65, गेट-5, गीतम चन्द्रनगर (UP) में किया गया था मगर आज दिनांक 28-01-14 तक भी आप अपने कार्य-स्थल से अनुपस्थित चल रही हैं। इस संबंध में कम्पनी प्रबंधन ने पत्रों द्वारा दिनांक 20-12-13, दिनांक 27-12-13 व दिनांक 08-01-14 से आपको अपनी अनुपस्थिति के संबंध में तथा कि आप किसी भी कार्य-दिवस से अक्षर अपना पूर्ण एवं चतुर्ता हिस्सा व अवकाश सुचित किया था।

मगर हमारे लिए बहुत ही खेद का विषय है कि आज दिनांक 28-01-14 तक भी आप न आपका पत्र द्वारा अपनी अनुपस्थिति की सूचना दी गयी और न ही आपने अपना पूर्ण एवं चतुर्ता हिस्सा ग्रहण किया। उतः कम्पनी प्रबंधन आपकी दुबारा सूचित करती है कि आप M/s चवाईस क्लोथिंग कं प्रा० लि०, फ्लॉट नं० 357, इटाम विहार, फ्लैट-II, गुडगांव से किसी भी कार्य-दिवस से अक्षर अपना पूर्ण एवं चतुर्ता हिस्सा ग्रहण करें।

धन्यवाद

प्रतिक्रिया:

- 1) कार्यालय, उपग्राम भुवना, G-25A, गौडिग, कॉम्प्लेक्स
केसर 03, गीतम (UP)
- 2) W/O सुरेंद्र, मकान नं-02, इटाम विहार, फ्लैट-II
दीनदरपुर, साउथवेस्ट दिल्ली - 110043
- 3) ग्राम व पो. - लखना, जिला - झज्जर (हरियाणा)

For Choice Clothing Co. (P) LTD.

Signature and Signatory



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