(18)

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. Surender .....Applicant

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 wihout 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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EXAMINER

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.

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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
18/3/14

(23)

ANNEXURE 'A'

दिनांक - 28-01-2014.

सेवामे,

श्रीमती पुष्पादेवी

पति का नाम: श्री सुरेन्द्र

पद : कारीगर

विभाग : पार्ट सेक्शन

कोड नं: 1118

पत्राचार पता: W/o सुरेन्द्र मकान नं० 02, श्यामविहार, फेस-II

दीनदारपुर, नार्थवेस्ट दिल्ली - 110043.

विषय: अनुपस्थिती के सन्दर्भ में.

महोदया

जैसा कि आपको विदित है कि आपका स्थानान्तरण दिनांक 10-12-13 को कम्पनी की दूसरी ईकाई M/s चॉइस क्लोथिंग कं० प्रा० लि०, प्लॉट नं० B-30, से० 65, नोएडा गौतमबुद्धनगर (UP) में किया गया था मगर आज दिनांक 28-01-14 तक भी आप अपने कार्यस्थल से अनुपस्थित चल रही है। इस सन्दर्भ मे कम्पनी प्रबन्धन ने पत्रो द्वारा दिनांक 20-12-13, दिनांक 27-12-13 व दिनांक 08-01-14 को आपको आपकी अनुपस्थिती के सन्दर्भ मे सचेत किया कि आप किसी भी कार्यदिवस मे आकर अपना पूर्ण एंव चुकता हिसाब ग्रहण करें सूचित किया था।

मगर हमे खेद का विषय है कि आज दिनांक 28-01-14 तक भी आप न आपके पत्र द्वारा आपकी अनुपस्थिती की सूचना दी गयी और न ही आपने अपना पूर्ण एव चुकता हिसाब ग्रहण किया। अत: कम्पनी प्रबन्धन आपको दुबारा सूचित करती है कि आप M/s चॉइस क्लोथिंग कं० प्रा० लि० प्लॉट नं० 357, उद्योग विहार, फेस - II, गुड़गाँव से किसी भी कार्यदिवस मे आकर अपना पूर्ण एव चुकता हिसाब ग्रहण करे।

धन्यवाद

प्रतिलिपि:

1) कार्यालय, उपश्रमायुक्त, G-25A, ग्रॉफिक कॉम्पलेक्स सेक्टर 62, नोएडा (UP)
2) W/o सुरेन्द्र, मकान नं०-02, श्यामविहार, फेस-II दीनदारपुर, नार्थवेस्ट दिल्ली - 110043
3) ग्राम व पो० - बद्यार्का, जिला झज्जर (हरियाणा)

For Choice Clothing Co. (P) LTD.

Authorised Signatory

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