

To

The General Manager

M/S Viva Global

Plot No 413, Phase III, Udyog Vihar

Gurgaon, Haryana

**Subject: Demand Notice to the management of M/S Viva Global for your unjustified action of illegal lock out through the Garment and Allied Workers Union under section 2L and 2K of the Industrial Disputes Act 1947**

Sir,

It is submitted:

1. That, we, the undersigned workmen of the M/S Viva Global, Plot No 413, Phase 3, Udyog Vihar, Gurgaon, Haryana, are serving this "collective demand notice" to your management through you under section 2L and 2K of the ID Act 1947 for your management's illegal, improper and unjustified action of lock out of the company on 23<sup>rd</sup> August 2010 without any reason or without any cause for such an action.
2. That you have locked out the company with vengeance, during the process of an ongoing tripartite negotiation and process of an agreement regarding the implementation of essential labour laws in the company, in order to punish and suppress the 375 workmen's genuine grievances related to non implementation of essential labour laws.
3. That you have violated the principles of commonly agreed conciliation proceedings and instructions of labour officer Suresh Yadav related to unconditional reinstatement of all workmen on 25<sup>th</sup> August 2010. Instead, you have attacked innocent workmen, who were trying to enter the company premises to perform their duty, by having professional goons and henchmen threaten them with canes, firearms 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. Your hired goons and henchmen also abducted a workman 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 Ansari was released by the goons with threat of dire consequences.

That you have locked the company on 23<sup>rd</sup> August 2010 to compel the workmen to leave the Garment and Allied Workers Union and also to suppress workmen's genuine, legitimate and legal demands.

5. Your management have neither paid earned wages for the month of August nor any compensation while workers have been locked out of your company whimsically.
6. That you have locked out the company without taking any prior permission from the labour department or without giving any notice to the workmen of the company.
7. That your management has been compelling workmen to resign from the company and leave the union immediately.
8. Your management has also been continuously using money and muscle power to harm the union leaders and to prevent their legal and legitimate activities related to their legal demands.
9. That your management has compelled all the workmen to live under starvation and unbearable pain and has also compelled them to face unbearable suffering. In view of the above mentioned circumstances, premises and incidents, it is therefore clear that your management has not only blatantly violated 2L and 2K of the ID Act by imposing lock out without prior permission from the labour department but also engaged in unfair labour practice and arrogant violation all essential labour laws with the connivance of anti-worker forces. Therefore, it is demanded to your management
  - a. To lift the illegal and unjustified lock out immediately
  - b. To pay earned wages immediately for the month of August
  - c. To pay wages from the date of lockout till the date when the lockout is lifted
  - d. To reinstate all the workmen unconditionally with continuity of service and other benefits
  - e. To pay compensation for your action of illegal lock out immediately to all workmen
  - f. To make an amicable settlement with the union for implementation of labour laws in the company immediately
  - g. To punish the real culprits of Anwar Ansari's abduction and also to give him monetary compensation for his treatment and suffering
  - h. To abolish all contract labour system immediately
  - i. To stop all kinds of unfair labour practices immediately

It is demanded accordingly

You

*Ananya Bhattacharjee*  
Ms. Anannya Bhattacharjee

President

Garment and Allied Workers Union

Plot No 48, First Floor,

Opp. Maruti Gate No 2, Old Delhi- Gurgaon Road

Gurgaon, Haryana

*Matin Ahmad*  
Mr. Matin Ahmad

General Secretary

Garment and Allied Workers Union

Through

*K.K. Niyogi*  
K.K. Niyogi

Authorised Representative

*Retu Singh*  
Retu Singh

Authorised Representative

Note: 5 copies of this demand notice being submitted to the labour officer for further necessary actions

14 September 2010

Gurgaon

BEFORE THE HON'BLE CONCILIATION OFFICER  
Gurgoan, Haryana

In the matter of:

Workmen of the M/s Viva Global

V/S

M/s Viva Global,  
Plot No. 413, Phase - III  
Udyog Vihar, Gurgoan.

**Subject: Authority Letter**

I, **Mateen Ahmed** S/o **Mojib Ahmed**, R/o Plot No. 48, First Floor, Above J.M.D. Properties, Infront of Maruti Gate No. 2, Old Delhi-Gurgoan Road, Gurgoan, Haryana, the General Secretary of the "Garment and Allied Workers' Union", Gurgoan do hereby authorized **Smt. Retu Singh** and **Sh. K.K. Niyogi** to plead and defend the abovementioned matter in favour of workmen and against the management before the honorable Labour Officer on behalf of workmen of the company and the union.

I am also fully authorizing them to take all possible steps to settle the matter amicably.

It is prayed accordingly

*Mateen*  
Mateen Ahmed  
General Secretary  
Garment and Allied Workers' Union

Accepted

**Retu Singh**  
A.R,

**K.K. Niyogi**  
A.R,

Dated:

*K.K. Niyogi*  
15/9/2010

To

The General Manager

M/S Viva Global

Plot No 413, Phase III, Udyog Vihar

Gurgaon, Haryana

**Subject: Demand Notice to the management of M/S Viva Global for your unjustified action of illegal lock out through the Garment and Allied Workers Union under section 2L and 2K of the Industrial Disputes Act 1947**

Sir,

It is submitted:

1. That, we, the undersigned workmen of the M/S Viva Global, Plot No 413, Phase 3, Udyog Vihar, Gurgaon, Haryana, are serving this "collective demand notice" to your management through you under section 2L and 2K of the ID Act 1947 for your management's illegal, improper and unjustified action of lock out of the company on 23<sup>rd</sup> August 2010 without any reason or without any cause for such an action.
2. That you have locked out the company with vengeance, during the process of an ongoing tripartite negotiation and process of an agreement regarding the implementation of essential labour laws in the company, in order to punish and suppress the 375 workmen's genuine grievances related to non implementation of essential labour laws.
3. That you have violated the principles of commonly agreed conciliation proceedings and instructions of labour officer Suresh Yadav related to unconditional reinstatement of all workmen on 25<sup>th</sup> August 2010. Instead, you have attacked innocent workmen, who were trying to enter the company premises to perform their duty, by having professional goons and henchmen threaten them with canes, firearms 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. Your hired goons and henchmen also abducted a workman 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 Ansari was released by the goons with threat of dire consequences.

4. That you have locked the company on 23<sup>rd</sup> August 2010 to compel the workmen to leave the Garment and Allied Workers Union and also to suppress workmen's genuine, legitimate and legal demands.
5. Your management have neither paid earned wages for the month of August nor any compensation while workers have been locked out of your company whimsically.
6. That you have locked out the company without taking any prior permission from the labour department or without giving any notice to the workmen of the company.
7. That your management has been compelling workmen to resign from the company and leave the union immediately.
8. Your management has also been continuously using money and muscle power to harm the union leaders and to prevent their legal and legitimate activities related to their legal demands.
9. That your management has compelled all the workmen to live under starvation and unbearable pain and has also compelled them to face unbearable suffering. In view of the above mentioned circumstances, premises and incidents, it is therefore clear that your management has not only blatantly violated 2L and 2K of the ID Act by imposing lock out without prior permission from the labour department but also engaged in unfair labour practice and arrogant violation all essential labour laws with the connivance of anti-worker forces. Therefore, it is demanded to your management
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  - g. To punish the real culprits of Anwar Ansari's abduction and also to give him monetary compensation for his treatment and suffering
  - h. To abolish all contract labour system immediately
  - i. To stop all kinds of unfair labour practices immediately

It is demanded accordingly

Thanking You

*Ananya Bhattacharjee*

Ms. Ananya Bhattacharjee

President

Garment and Allied Workers Union

Plot No 48, First Floor,

Opp. Maruti Gate No 2, Old Delhi- Gurgaon Road

Gurgaon, Haryana

*Matin*  
Mr. Matin Ahmad

General Secretary

Garment and Allied Workers Union

Through

*K.K. Niyogi*

K.K. Niyogi

Authorised Representative

*Retu Singh*

Retu Singh

Authorised Representative

Note: 5 copies of this demand notice being submitted to the labour officer for further necessary actions

14 September 2010

Gurgaon

91  
17-9-10

Presented to

Notice was for

dt. 30/9/10 at

12:31 PM

17/9/10  
sa.

Demand Notice on 17-9-10  
Issued Notice To The Management  
Dated 30-9-10

LO/CO  
G.N. - 1  
Nile

To  
The General Manager  
M/S Viva Global  
Plot No 413, Phase III, Udyog Vihar  
Gurgaon, Haryana

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It is demanded accordingly

  
Ms. Anannya Bhattacharjee

President

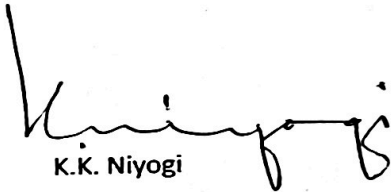
Garment and Allied Workers Union

Plot No 48, First Floor,

Opp. Maruti Gate No 2, Old Delhi- Gurgaon Road

Gurgaon, Haryana

Through

  
K.K. Niyogi

Authorised Representative

  
Mr. Matin Ahmad

General Secretary

Garment and Allied Workers Union



Retu Singh

Authorised Representative

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~~14 September 2010~~

Gurgaon

Annexure - 2

Annexure - 4

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Civil Writ Petition No. 17722 of 2010

Date of decision: 7.3.2011

Garment and Allied Workers Union.

....Petitioner.

Versus

1. The State of Haryana and others.

....Respondent(s)

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 and 2.

Mr. Harvinder Singh, Advocate for  
Mr. K.S. Dhaliwal, Advocate  
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

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 fructuous and is disposed of accordingly:

7.3.2011

Sd/- (MAHESH GROVER),

Judge

True Copy

Examiner.

(10) 3  
11/3

प्रेषक

श्रम तथा समझौता अधिकारी,  
सर्कल- 1, गुडगांव।

सेवा में

उप श्रम आयुक्त,  
सर्कल- 1, गुडगांव।

क्रमांक: 1658

दिनांक: 22.11.2011

विषय:

**General Demand Notice under Industrial Disputes Act, 1947  
section 2K regarding Intentional Continuation of Lock-Out of its  
Workmen.**

महोदया,

उपरोक्त विषय के सन्दर्भ में आपको सादर सूचित किया जाता है कि उपरोक्त मांग पत्र में श्रमिक श्री नागेन्द्र व अन्य ने बनाम मै0 विवा ग्लोबल, प्लॉट नं0 413, फेस- 3, उद्योग विहार गुडगांव के सामुहिक मांग पत्र की विस्तृत रिपोर्ट आपको आगामी कार्यवाही हेतु प्रेषित है।

- संलग्न/1. अधिकार पत्र
2. मांग पत्र की 3 प्रतियां
3. भाग 1 व भाग 2 (गोपनीय रिपोर्ट)

भवदीय

*ole* श्रम तथा समझौता अधिकारी,  
सर्कल- 1, गुडगांव।

सामूहिक मांग पत्र दिनांक 14.09.2011 जो कि श्रमिकगण श्री नागेन्द्र व अन्य बनाम मै0 विवा ग्लोबल, प्लॉट नं0 413, फ़ेस- 3, उद्योग विहार, गुडगांव पर दिया कि असफलता रिपोर्ट।


श्रमिकगण का कथन:-

श्रमिकगण ने सामूहिक मांग पत्र अनुसार बिन्दूवाईज 4 मांगे की है, जो मांग पत्र की प्रति संलग्न कर आपको भेजी जाती है।

प्रबन्धक प्रतिनिधि का कथन:-

प्रबन्धकों ने सामूहिक मांग पत्र बारे कोई लिखित टिपणी दी है जिसमें कहा है कि जिन श्रमिकों ने मांग पत्र डाला है वे श्रमिक अभी कम्पनी के रोल पर नहीं है, सभी श्रमिक अपनी मर्जी से काम छोड़कर जा चुके है। जिन श्रमिकों द्वारा सामूहिक मांग पत्र दिया गया है उनको मांग पत्र देने का कोई औचित्य नहीं बनता।

भवदीय

  
श्रम तथा समझौता अधिकारी  
सर्कल-1, गुडगांव।

सामूहिक मांग पत्र दिनांक 14.09.2011 जो कि श्रमिकगण श्री नागेन्द्र व अन्य बनाम मै0 विवा ग्लोबल, प्लॉट नं0 413, फेस- 3, उद्योग विहार, गुडगांव पर दिया कि असफलता रिपोर्ट।

### गोपनीय रिपोर्ट

कार्यालय में सामूहिक मांग पत्र प्राप्त होने उपरान्त दोनों पक्षों की समाधान बैठक बुलाई गई। समाधान बैठक में दोनों पक्षों ने भाग लिया मगर समझौता न हो सका। इसलिए सामूहिक मांग पत्र की रिपोर्ट आपको भेजी जाती है जो इस प्रकार है:-

क्र0 सं0	मांगे	टिपणी
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 it is fully lifted.	प्रबन्धकों द्वारा तालाबन्दी नहीं की गई, जबकि श्रमिकों ने स्वयं काम छोड़कर हड़ताल पर चले गए। बिन्दु नं0 1 मांग नहीं है, यह विवाद है।
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.	इस बिन्दु में निलम्बित श्रमिकों को निलम्बन भत्ता दिया जा रहा है, जो कि कम्पलाईन्स का पार्ट है। प्रबन्धकों द्वारा इसे पूरा किया जा रहा है। बिन्दु नं0 2 को रद्द करने की सिफारिस की जाती है।
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.	यह बिन्दु मांग से सम्बन्धित नहीं है, यह कम्पलाईन्स का पार्ट है। अतः इस मांग को भी रद्द करने की सिफारिस की जाती है।
4.	That the company bears medical expenses of workers due to attacks on women workers.	यह बिन्दु श्रमिकों का आपसी झगड़े से सम्बन्धित है, जबकि सभी श्रमिक ई0 एस0 आई0 में कवर्ड हैं। इसलिए इसे भी रद्द करने की सिफारिस की जाती है।

भवदीय

श्रम तथा समझौता अधिकारी  
सर्कल-1, गुडगांव।

ओबजेक्टिव रिव्यू

- 1. कारखाने/संस्थान का नाम व पता :- M/S VIVA CERAM P.No-413/1 U.U. 644.
- 2. कारखाने/संस्था में श्रमिकों की संस्था :- 100
- 3. समाधान बैठकों के लिए निश्चित की गई तिथि :- 13.11.2011, 20.11.2011, 27.11.2011, 15.11.2011
- 4. कारखाने/संस्था का कार्य :- Manufacturing Ready made Ceramics.
- 5. कारखाने/संस्था की आर्थिक स्थिति :- Not a factory.
- 6. श्रमिक द्वारा दिए गए मांग पत्र की तिथि ..... व कार्यालय में प्राप्त होने की तिथि ..... :-  
14.9.2011  
14.9.2011
- 7. मांग पत्र श्रमिक/यूनियन द्वारा दिया गया :- By Worker
- 8. यूनियन का नाम व पता :- काँड़ यूनियन जहाँ
- 9. यूनियन का एफिलियेशन :-
- 10. समाधान बैठकों में प्रबन्धकों की ओर से किसने भाग लिया :- Sh. Mukesh, Azad
- 11. श्रम न्यायालय का कार्यक्षेत्र :- D.L.C. 644-I

OC श्रम तथा समझौता अधिकारी,  
सर्कल- 1, गुडगांव