

From

Financial Commissioner and
Principal Secretary to Govt. of Haryana
Labour and Employment Department

To

1. Proprietor
Fashion Express,
100 Udyog Vihar, Phase-I,
Gurgaon.
- ✓ 2. General Secretary,
Fashion Express Karamchari Sangathan
House No. 703/2, Gali 11, 14 Ashok Vihar,
Gurgaon

No. 44068 - 69

Dated: 28.12.07

Subject:- Application of M/s Fashion Express, 100 Udyog Vihar, Phase-I,
Gurgaon under section 25-O of the Industrial Disputes Act, 1947 for
permission for permanent closure of the unit.

Reference application of the management of M/s Fashion Express,
Gurgaon on the subject cited above.

The orders of the Government of Haryana on the application mentioned
in the subject, is sent herewith for information and necessary action.

For Financial Commissioner and
Principal Secretary to Govt. of Haryana
Labour and Employment Department.

Endst. No.

Dated 28.12.07

Copy is sent to the following for information

1. Labour Commissioner Haryana, Chandigarh.
2. Deputy Labour Commissioner, Gurgaon -1

For Financial Commissioner and
Principal Secretary to Govt. of Haryana
Labour and Employment Department.

ORDER

Whereas the management of M/s Fashion Express submitted an application under section 25-O of the Industrial Disputes Act, 1947 on 30.10.2007 for seeking permission for permanent closure of their unit located at their premises at No. 100, Udyog Vihar, Phase-I, Gurgaon, Haryana-122016, on the grounds of heavy financial losses over the years and lack of any further orders from their clients located abroad.

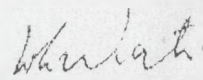
2. After receipt of above the said application, necessary enquiry as provided for under section 25-O of the Act ibid was conducted. It was revealed that both the parties had appeared before the Joint Labour Commissioner on 31.10.2007 and entered into an agreement under section 12(3) of the Industrial Disputes Act, 1947, in which it was settled between the parties that the workers will be paid their full and final dues as retrenched, It was also agreed in the settlement that after the workers are paid according to the said settlement, the application under section 25-O of the Act will be treated as disposed off and there will be no dispute between the parties regarding closure of the unit.

3. Thereafter, notices were issued to both the parties for several dates. It is peculiar that both the parties appeared alone on various dates of hearing and on each date one or the other party was absent during the proceedings. During the course of hearing the representative of the management reiterated their stand that they are facing heavy financial losses and are not getting orders from abroad despite best efforts. Besides, it was also submitted

that a settlement under section 12(3) of the Industrial Disputes Act, 1947 was arrived at between the management and the workers union on 31.10.2007, and according to this settlement it was agreed between the parties that no dispute is left between the parties. On the other hand the representative of the workers did not submit any written reply/comments on the application of the management.

4. I have heard the parties and have also perused the records. It has come to notice that the management is facing financial losses. Besides, after submitting the application of the management for seeking permission to close down unit No. 100 Udyog Vihar, Phase-I, Gurgaon, a settlement under section 12(3) of the Industrial Disputes Act, 1947 was arrived at between the parties on 31.10.2007. Taking into consideration the peculiar facts and circumstances of the case, the appropriate Government hereby accords permission to close down the unit of the applicant management located at 100 Udyog Vihar, Phase-I, Gurgaon w.e.f. 29.1.2008 subject to the condition that if any worker has not been paid his dues as per the above mentioned settlement, he/she must be paid off accordingly before effecting the closure, and also that in case the said unit is restarted, the retrenched workers will have the right under section 25-F of the Industrial Disputes Act, 1947. I order accordingly.

Dated Chandigarh,
the 28th Dec., 2007


(NARESH GULATI)
Financial Commissioner and Principal
Secretary to Government, Haryana,
Labour Department.

1. कारखाना औद्योगिक विवाद अधिनियम 1947 की धारा 25-0 के अंतर्गत सरकार की लिखित अनुमति के बाद ही यदि अनुमति मिलती है तो उसी सूरत में बन्द किया जावे अन्यथा नहीं।

2. समझौता दि० 8-4-07 की परिपालना की जावे जो कि निम्नलिखित मामलों पर अभी तक नहीं की गई है :-

(i) सभी श्रमिकों को दो साल की रूकी हुई सालाना तरक्की वेतन में लागू की जावे और उसका ऐरियर सभी श्रमिकों को दिया जावे।

(ii) सभी श्रमिकों का बकाया बोनस 20% की दर से दिया जावे।

(iii) यूनियन प्रधान सतवीर सिंह तथा कोषाध्यक्ष आनन्द कुमार का निलम्बन समाप्त करके इन्हे ड्यूटी पर बहाल किया जावे और इनका 24-11-06 से अब तक का बीच के पीरिएड का वेतन अदा किया जावे।

(iv) सालाना छुट्टियां बढ़ाकर दी जावे।

(v) सभी श्रमिकों को पिछले दो तीन वर्ष का यात्रा भत्ता दिया जावे।

3. यदि कारखाना बन्द की अनुमति सरकार द्वारा दी जाती है तो उस सूरत में श्रमिकों को निम्नलिखित लाभ दिये जावे :

(i) सभी श्रमिकों का सेवाकाल नियुक्ति की तिथि से गिना जावे ना कि स्थाई करने की तिथि से और इसी के अनुरूप पूरे सेवाकाल का 15 दिन का वेतन प्रतिवर्ष छंटनी मुआवजा तथा 15 दिन का वेतन प्रेड्युटी के रूप में दिया जावे।

- (ii) तीन मास का वेतन नोटिस पीरिएड के बदले दिया जावे।
- (iii) अंतिम मास का वेतन अदा किया जावे।
- (iv) V.R.S. स्कीम लागू करके कम से कम 45 दिन का वेतन प्रति वर्ष के हिसाब से दिया जावे जो कि अब तक की गई सारी सर्विस पर लागू हो। शेष बची हुई सर्विस के लिए 30 दिन का वेतन प्रतिवर्ष के हिसाब से दिया जावे।
- (v) रूके हुए ओवरटाईम की अदायगी की जावे।
- (vi) उद्योग को दोबारा किसी भी रूप में पुराने या नये नाम से चालू किये जाने की सूरत में निकाले गए सभी श्रमिकों को प्राथमिकता के आधार पर काम फिर लिया जावे।

4. बलवान सिंह, नन्द किशोर व अर्चना दास का रूका हुआ पुराना हिसाब चुकता किया जावे।