

In front of Hon'ble Asst. Commisioner of Labor, Tirupur

C.No: /2020

M.Karthiban (34)Petitioner
56. Mettankattuvalasu,
Valliyarachal Salai, Muthur Post,
Tirupur.

VS

The ManagementRespondent
Fair Export, 10/320 Ganapathypalayam Street,
KN Palayam , Veerapandi Post,
Tirupur 641 605

Petition filed under Industrial Disputes Act 1947 2 (A) (1)

1. The petitioner resides at the above stated address along with his parents.
2. The petitioner has been working as Accountant in the said Company till 06.10.2017 based on the appointment order dated 22.09.2017. Rs.27,000/- was the first month salary drawn by the petitioner. The petitioner is 34 years old, born on 13.12.1986.
3. The nature of business of the above stated company is to deal buy/sell garment goods nationally, export internationally and is a well established company. There are nearly 10 workers in the above mentioned company just like the petitioner. The petitioner has been working in the said company without any blame.
4. The petitioner also carried out additional responsibilities besides with his regular routines assigned by the company such as loading & unloading goods, marking numbers on the cotton boxes. The petitioner was sincere and polite in doing whatever the management personnel assigned without any blames. In the course of time, petitioner met with a road accident and had problem with his rib and spinal. Referring to the health condition the petitioner requested the management to withdraw the additional works which he was doing as mentioned above. In spite of that, the company has terminated the petitioner orally on 03.08.2018
5. As the company all of a sudden terminated him orally on 03.08.2018, since then, even though the petitioner requested the management for salary during the termination period he was denied and the petitioner along with his family goes through a financial problem.

6. Above mentioned company all of a sudden terminated him orally on 03.08.2018, since then, even though the petitioner requested the management for salary during the termination period he was denied and the petitioner along with his family goes through a financial problem.
7. This act of the above mentioned company is illegal as per the Industrial Disputes Act 1947 Sec (45) f.
8. Since the company management never responded the petitioner plea pertaining to rejoining request and salary for the termination duration, he finally submits his petition in front of the Honb'le Court. Within the stipulated time and Court jurisdiction he filed the petition.
9. The petition herewith holds all rights in terms of include, exclude, and make correction in the petition being submitted.

As stated above, we plead this court with due respect to make necessary action by facilitating mediation with the Company and to ensure the petitioner is paid with salary for termination time, other legal benefits along with assurance of continued job in the company.

Petitioner

Declaration

I herewith ensured all the details correct as mentioned above and signed the petition on 02.11.2020 at Tirupur.

Petitioner

In front of Hon'ble Asst. Commisioner of Labor, Coimbatore

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Reply from the respondent

1. The complainant is completely against truth, just for getting any profit from the company he has added to his complaint false accusation against the company.
2. Except few things which is binding, the respondent denies the other matters. The petitioner is responsible to prove whatever were accused.
3. The petitioner has been working as Accountant in the said Company till 06.10.2017 based on the appointment order dated 22.09.2017. This is agreed by the respondent. But the petitioner must prove that Rs.27,000/- was the first month salary drawn by him. (Point 2 as above)
4. The nature of business of the above stated company is to deal buy/sell garment goods nationally, export internationally and is a well established company. There are nearly 10 workers in the above mentioned company just like the petitioner. The petitioner should prove that he has been working in the said company without any blame. (Point 3 as above)
5. The respondent object that the petitioner also carried out additional responsibilities besides with his regular routines assigned by the company such as loading & unloading goods, marking numbers on the cotton boxes. Also the petitioner must prove that he was sincere and polite in doing whatever the management personnel assigned without any blames. (Point 4 as above)
6. The respondent absolutely object that the petitioner met with a road accident and had problem with his rib and spinal. Referring to the health condition the petitioner requested the management to withdraw the additional works which he was doing as mentioned above. In spite of that, the company has terminated the petitioner orally on 03.08.2018. The petitioner should prove this statement.
7. The respondent also object absolutely that the company all of a sudden terminated him orally on 03.08.2018, since then, even though the petitioner requested the management for salary during the termination period he was denied and the

petitioner along with his family goes through a financial problem. This act of the above mentioned company is illegal as per the Industrial Disputes Act 1947 Sec (45) f. This is also completely wrong accusation and the petitioner must prove these. (Point 5,6 & 7)

8. We, the respondent also absolutely object the point 8 as above by the petitioner that since the company management never responded the petitioner plea pertaining to rejoining request and salary for the termination duration, he finally submits his petition in front of the Honb'le Court. Within the stipulated time and Court jurisdiction he filed the petition.
9. With due respect, the respondent, the company management submit the following, The company is functioning as buying office. There is no production work carried out in the respondent company. The respondent companies normally get order from various Buyers and place the orders to the production companies. After receiving the respondent company orders, the respective production companies themselves delivers the order to the respective buyers. The respondent never receives any materials to their buying office being produced from any companies. Therefore there is no need for receiving or sending any materials from our buying office. In the respondent office, only administrative works are carried out. The petitioner was working as accountant in the company management. Since the petitioner met with an accident and could not sit for long time as he had severe pain in hip and rib, he himself requested that he wish to resign the job and went off. Therefore with intention to get any profit from the company, the petitioner tries to put false accusation against the company.
10. Since the petitioner has been working as Accountant in the company, he holds no rights to file a case on Industrial Disputes Act 1947 2 (A) (1)

Therefore we, respondent humbly request to waive the case.

Respondent

Self declaration

I, Mahesan herewith declare that all my statements are true and correct to the best of my knowledge. I sign here at Tirupur.

Respondent