

## WORKER A VS PRATIK HOSIERY

### OVERVIEW:

For case -1, the worker has been represented as 'Worker A'. He was appointed as cutting master in the respective industry in 2005 and was orally terminated in the year 2012. He proceeded to claim justice through the conciliation process and it failed. Then he was prosecuted in labour court. He got justice, but the company management appealed the case further.

### BASIC INFORMATION:

1. Name of the Worker: Worker A
2. Gender of the Worker: Male
3. Age of the Worker (at the time of IDI): 44
4. Name of the Company: Pratik Hosiery, 15-18, K.R.R Thottam, Mangalam Road, Tirupur - 641 604.
5. Designation of the Worker: Helper – Cutting Section
6. Years of work in the Company: 8 years
7. Dispute Type: Illegal Termination & non-payment of Bonus
8. Year of Dispute onset: 2012
9. Concluded/Ongoing: Ongoing (Appealed further)
10. Year of Conclusion (If applicable): -NA-
11. Individual/ Collective: Individual

### TIMELINE OF EVENTS:

DATE	EVENT
August 8 <sup>th</sup> , 2005	Appointed as Cutting Master (but practiced the works assigned to him by the management moreover like a helper in cutting section)
November 14 <sup>th</sup> , 2012	Terminated Orally by the management
January 30 <sup>th</sup> , 2013	Raised Conciliation proceedings before the Assistant Labour Commissioner (Conciliation)
September 26 <sup>th</sup> , 2013	Failure Report by the Assistant Labour Commissioner (Conciliation) as the management didn't present them for conciliation process
July 24 <sup>th</sup> , 2014	Presented the case for adjudication in the labour court, Coimbatore
September 30 <sup>th</sup> , 2015	Counter-statement provided by the respondent (Management)
March 22 <sup>nd</sup> , 2019	Judgment was passed by the presiding officer of Additional Labour Court of Coimbatore
March, 2019	Rejoined in the company as per the Court Order
April, 2019	Withdrawal of work from the company
April, 2019	Appeal of the case by the company
Not Known	Case Number issued

## CASE HISTORY:

### a. About the worker

Worker A (44) was the actual resident of Palani and migrated to the intra-state a very long ago and settled in Tirupur. He was married to a woman from Tirupur. He has no children. He joined as Cutting Master in Pratik Hosiery on 8<sup>th</sup> August 2005. However, he worked in Cutting section, mostly as a helper at Pratik Hosiery. He worked there for 8 years. He'll be used to doing the work that the management assigned to him. He has joined with Rs.8000 as salary and then after 8 years he received Rs.20000

### b. About the Company

Pratik Hosiery Private Limited is located in Tirupur and exports Garments to a sub brand of OTTO called Ball bricks and exports to Germany, France etc. They used to produce T-Shirts, ladies wear, children's wear etc. They have the units of Knitting, Dyeing, Printing, Embroidery etc. They just purchase thread from outside, they have production units for all the remaining requirements.

When Worker A was working, around 400 to 500 laborers were working in the garment unit itself and there were also so many workers in other units. The ratio of male and female is almost equal. In the checking section, there were mostly female workers and also as tailors. If 400 workers were there, almost 200 would be females. At that time, there was no piece rate system in the company. Only on a shift basis, also there were no inter-state migrant workers at that time. Now it is full of North Indians, there is a hostel for them in the company now.

### c. Beginning of the Conflict

In the year 2012, there was a problem raised regarding Bonus and then it turned into a dispute. The management used to give a high amount of bonus to others and it was comparatively low for the Worker A. At one time, the management stopped the bonus and didn't give him any bonus amount. Also, they used to get extra work from Worker A and not paid double wages. They have some fixed salary, but they gave him over-time work and extra work than his fixed job role.

At that time, He demanded a bonus amount. So, they just terminated his employment without any notice/written document. He asked the management to withdraw their announcement and requested for continuation of his work there in the Pratick Hosiery. But the management refused to take him again in the company. Then he asked to settle his accounts, but they refused to settle his accounts too.

### d. Informal resolution process

Worker A was upset and shared his problem with my neighbor cum friend. He is a member of the CPI(M) party. The friend had suggested he approach CITU - a union of textile workers to find some solution. He has taken the Worker A to Com. Sampath – secretary of CITU. The Worker A explained the chaos to him in detail. Then Com.Sampath contacted the company management and asked them to compromise. He told them, “Worker A has come to CITU for

justice. You have terminated him without any notice/written statement just because he asked for his OT wages and Bonus. We want to compromise with you; we want you to settle all his OT wages, Bonus, PF and Gratuity. If you are ready, we can compromise.” After his conversation with the management, they refused to compromise and stood rigid. They were not ready to compromise with Worker A. They said that they never used to give any settlement to anyone, so they refused the demand of CITU. Hence, the Worker A decided to file a complaint at the Labour Commissioner’s Office as per the guidance of CITU. It took 6 months of process from the date of termination.

e. Formal resolution – Conciliation

After 6 months only Worker A went to the Labour Commissioner’s Office at Tirupur Collectorate. It has taken 1 year in the Labour Commissioner’s Office for conciliation. At first, the Labour Officer sent a call letter to the company management and asked to make their presence known. But, from the company none of the representatives has presented on the first day of conciliation. They had never come for the other hearings too. The Worker A feels that there is an understanding between the company and the labour officer. The company management had tried to settle some amount as bribery for the labour officer. Thus, they joined together and delayed the process. The Labour Officer at that period had hidden the letter which had to send Worker A and failed to send the letter on time.

After some period, a new labour commissioner has come to his position. When Worker A went to the newly arrived officer and told about the case, he supported him. The new officer told Worker A and motivated him to move forward with the case in Labour Court. The new officer only found that there was a letter named Worker A on the table and it was not-posted.

In the labour commissioner’s office, at least 10 calls were sent to the company. Mostly at the time interval of one month or one and half month, the calls were sent. That is too happen because of the fact that the Worker A used to go to the Labour Commissioner Office periodically. He left all his work and went constantly. If he didn’t go, they might have closed the case. Com. Sampath of CITU has guided him well. He stands constantly for Worker A and stands as the identity for Worker A in those times. The Worker A says, “Without him I didn’t know my rights, labour laws etc. None of the laborers like me are aware of the labour rights, even though we don’t know whether the wages we get is standard or below. None of us goes for work knowing our rights; we just go for work to meet our needs and to maintain the economic stability of the family.” He added that, “Law states that no worker should get work for more than 8 hours, but in reality they are getting work from us 12 hours to 18 hours and never maintaining records for this. We aren't aware of this, we will work for such long hours that we get good wages then. So, for our family welfare we used to work for such long hours.” Then, the new officer created the failure report. He mentioned that the company is not ready for conciliation and has not presented for any hearing. So, the case was directed to the labour court at Coimbatore.

f. Formal Resolution – Adjudication

Com. Sampath has directed Worker A to go to Advocate Com.Sathisan for legal advice. Adv.Sathisan has sent a notice to the Company Management for the case. The management replied with their points and cooked up a story criticizing Worker A. Then the case proceeded for 3 to 4 years. At the initial period, maybe for 1 to 1½ years, Worker A didn't go to court. The advocate Com.Sathisan had dealt with the hearings. After that only, the honorable court summoned Worker A to present in the hearing. Then he followed the case for 1 year. He used to travel to Coimbatore from Tirupur for all the hearings. In 2014, the case was filed and they summoned Worker A during 2016/2017 to present. He continuously travelled to court for all the hearings. He has submitted all the required proofs and documents to the court on time as the Witness. At last, the judgment came on the side of Worker A and ordered the management to give compensation of 25% back wages and to retake him in the job.

The Worker A says, "I have spent over 5 years in this case. I had spent a lot of money, even more than I lost my income for following this case. I left all my work and income. If calculated Rs.700 to Rs.800 totally I have lost Rs.1 to 1.5 lakhs for this case. The management had never given me any gratuity." The company management asked Worker A to rejoin as per the court order. He also went for work, but what happened there in the company was unfair. They told Worker A that they would never give him the old fixed salary; they took him as the newly appointed labour and gave me very low (basic) wages on a shift basis. They also gave him wages in the interval of 45 days. They had credited the wages to the account only after 45 days, that too around Rs.8000.

They didn't credit any wages after that, they have to give the wages for 2 months. They paid only one time, after the judgment that too after 45 days of work. They just did it for the name-sake. They wanted to show off that they obeyed the court order. But in actuality they don't want to proceed with Worker A and don't like him to take in the work.

Actually, Worker A didn't get any kind of work for 6 months. Then he started doing temporary work for daily wages. He didn't get any permanent job in any company. After the Court order, he went to work in Pratik hosiery for 3 months. The company had tried to work out all the indirect ways to send him out from the company. They haven't paid him the wages properly; they used to treat him badly. Then he told me about this to Com.Sathisan. Then the advocate advised him to quit and sent notice to the company. He mentioned that the company is not paying properly for the work and so the Worker A cannot continue to work. The case was appealed in High Court and not paid that 25% back wages to the Worker A.

The management had appealed the case in Chennai High Court and then the Worker A also moved it in the Chennai High Court. But, that time this Covid-19 pandemic has attacked and the lockdown has been announced. Com.Sathisan had told Worker A that the case number has been given for them and they have to proceed further. Still, Worker A didn't get any notice from the High court regarding the case. .

g. Workers' view on the case process:

The company had never given him the 25% back wages as per the court's order. The owner of the company says that the company is in loss, he makes sympathy by saying that he sold his

Car, vehicles etc. He has 5 cars at home, his daughter is working in a bank, and he has crores and crores of money. He says that he sold his car and used to go by walking, which is not reliable. The Worker A says, "The Company doesn't give appointment letters or pay slips to the workers. When the court asked for the salary voucher, they said that they lost in the fire. I have my ID in the name of Pratik Hosiery signed by the Wife of the owner. I had that proof with me; otherwise they would have told me that I had never worked there.

For my rights and entitlements I have filed the case and it keeps going on. I have been going behind this case for so many years, it could be possible that I have no children, my wife also supports me. There are no urgent economic needs for me; also I couldn't find any permanent job yet. The Worker A says, "I have spent over 5 years in this case. I had spent a lot of money, even more than I lost my income for following this case. I left all my work and income. If it calculated Rs.700 to Rs.800 totally I would have lost Rs.1 to 1.5 lakhs for this case."

If I got any permanent job, I wouldn't be able to run behind this case. If I find a job for me, I could not take so many leaves to present at all the hearings. If I have children and a mandatory need for the economy I may not waste those many days by running behind this case. It is a very huge process and takes a very long way to settle a dispute, an ordinary worker cannot afford for this. Through the constant motivation of union only I have reached this level, otherwise I might have quit from it.

h. Documents Available

- a. Judgment Copy

i. Missing Documents

- a. Failure Report passed by the Assistant Labour Commissioner (Conciliation) and any other documents from the Labour Commissioner's Office
- b. Identity documents of the Worker A