

WORKER G VS MERIDIAN APPARELS PVT. LTD.

OVERVIEW:

For case -7, the worker has been represented as 'Worker G'. He was appointed as Electrician in the respective company in 1996 and was orally terminated in the year 2009. He proceeded to claim justice through the conciliation process and then via labour court in 2011. Then the court has ordered that the company should withdraw the oral termination order on 01.09.2009 and also the company should ensure continued work in the company along with 50% of salary for the period during termination period. No other payment was entertained.

BASIC INFORMATION:

1. Name of the Worker: Worker G
2. Gender of the Worker: Male
3. Age of the Worker (at the time of IDI): 49
4. Name of the Company: Meridian Apparels Pvt Ltd. - No. 8/626 Avp Layout, Angeripalayam Road, Kumarnagar, Tirupur - 641603
5. Designation of the Worker: Electrician
6. Years of work in the Company: 13 years
7. Dispute Type: Illegal Termination
8. Year of Dispute onset: 2009
9. Concluded/Ongoing: Concluded
10. Year of Conclusion (If applicable): 2016
11. Individual/ Collective: Individual

TIMELINE OF EVENTS:

DATE	EVENT
September 2 nd , 1996	Appointed as Electrician
September 9 th , 2009	Terminated Orally by the management
June 30 th , 2010	The company management has rendered a petition with false accusation against the worker G
February 10 th , 2011	Raised Conciliation proceedings before the Assistant Labour Commissioner (Conciliation)
July 7 th , 2011	Failure Report by the Assistant Labour Commissioner (Conciliation) as the management didn't present them for conciliation process
2011	Presented the case for adjudication in the labour court, Coimbatore
July 14 th , 2016	Final Hearing
July 19 th , 2016	Judgment was passed by the presiding officer of Additional Labour Court of Coimbatore

CASE HISTORY:

a. About the worker

Since the worker is not available for the interview, his socio-economic background couldn't be studied.

b. About the Company

Meridian Apparels Pvt. Ltd is one of the leading exporters of Tirupur was founded in 1989. It produces a wide range of knitted garments including T-shirts, sweat shirts, sportswear, jogging suits, nightwear, pyjama sets and all kinds of inner and outer knitwear. The company has its head office in Tirupur and corporate office in Chennai. It exports over 15 million garments/ year. It produces over 70,000 pieces per day with 4 units and 5 other supplier factories. It exports to the countries of Europe and USA to the brands like Tom Tailor, Kiabi, Next, Sears, Oviessie, Kappa, C&A, F&F, Tesco etc.

c. Beginning of the Conflict

Worker G has joined as Electrician in the Meridian Apparels on 02.09.1996. He has been sincere in his duty over 13 years in the company. He was the permanent employee and PF and ESI were deducted from his salary. He has been receiving a monthly salary around Rs.5000/- while working in the company. In the last period before the oral termination he has received Rs.5484/- as monthly salary.

On 30.08.2009, the company management blamed him that he was drunk and slept during the working hours and laid a false accusation on Worker G. Then the company management made the worker G write an apology letter and forced him to leave the company. The worker G went to work as usual on 01.09.2009 to the company. During that time, the HR Manager blocked him and refused to allow him to work and yelled at him badly stating that there is no space for drunken-workers to work in the company.

d. Informal resolution process

The worker G was totally upset and had no other way to get any job. He doesn't want to leave the company as he has worked over 13 years in the same company. Later, worker G approached the company management many times to get him in the job again by individual and along with the CITU trade union support, but all his attempts ended in vain since the company management never considered his requests and efforts

e. Formal resolution – Conciliation

On 30.06.2010, the company management rendered a petition with false accusation that the petitioner and his Mother in Law have illegally occupied house and land which is owned by the company management. Then, worker G filed a case for conciliation in the Assistant Commissioner of Labour (Conciliation) on 10.02.2011. In the conciliation process, the company rendered a petition with false accusation that the petitioner and his Mother in Law have illegally occupied house and land which is owned

by the company management. The company also justified their act that they have enquired the worker G for the reason for his absence of duties in November i.e. after 2 months of his absence. They also said that worker G responded to their queries. Hence, they justified that they had sent the termination order in December, 2019. The worker G has not received any such termination order. The worker G has not been to any enquiry and had not received any notice for termination. The act of company management was found to be illegal and against the nature of ethics. Due to the adamant act of the company management the mediation was dropped and the failure report was prepared on 07.07.2011.

f. Formal Resolution – Adjudication

Afterwards the case was transferred to the labour court of Coimbatore. In the labour court, the worker G demanded the same and mentioned that he has worked over 13 years in Meridian Apparels with good records. He also stated that at the time of his recruitment in 1996, he joined the company as Electrician and received a salary of Rs. 3750/ month for 1 and ½ years from the company and the ESI & PF was deducted with that name. The worker G has proved his statements with the necessary documents and whereas the company management failed to prove their justifications and accusations. The company was found guilty and the evidence and enquiries revealed the fact that the company failed to have proper internal enquiry for the misbehaving act of the worker G and have not laid any notice regarding the termination it is proved that worker G was not properly terminated. Therefore, the court has ordered that the company should withdraw oral termination order on 01.09.2009 and also the company should ensure continued work in the company along with 50% of salary for the period during termination period. No other payment was entertained.

g. Workers’ view on the case process:

Worker was unable to reach and the advocate who dealt with this case also did not have any precise idea about the worker’s view and involvement of the worker towards the case.

a. Available documents:

_____ Copy of the judgement

b. Missing Documents:

_____ None of the documents related to workers’ identity and the witness documents produced to the court were missing.