

21/10/10

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**BEFORE THE LABOUR-CUM-CONCILIATION OFFICER,  
CIRCLE-I, GURGAON.**

Sub: Letter of general demand dated 14.9.2010, submitted  
by M/s. Garments & Allied Workers Union.

Ref: Response of the Union dated 15.10.2010.

Sir,

We have gone through a copy of the above referred response dated 15.10.2010, given on behalf of the Garments & Allied Workers Union to our reply submitted on 7.10.2010 to the demand notice of the Union.

That the entire contents of the above referred response of the Union, except to the extent as may be specifically admitted herein, are wrong and, are therefore, specifically denied and the contents of our reply, submitted on 7.10.2010, are reiterated.

That the demand notice of the Union was absolutely vague besides being entirely misconceived and baseless and since, the Union, which claims to represent the workmen, employed in our establishment, had not submitted any valid proof of proper espousal of the dispute raised by the Union in their demand notice, we had rightly requested in our letter dated 30.9.2010 that we reserve our right to submit a detailed reply to the demand notice, after having completed the necessary process of process of verification of espousal, submitted by the alleged workers/Union.

That after necessary verification from the workmen, employed in our establishment, it seems apparent that the Union, M/s. Garments & Allied Workers Union does not have substantial

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number of workmen, employed in our establishment as its members and/or the demands raised by it in its demand notice have not been legally and validly espoused. Therefore, no valid industrial dispute, as defined under section 2(k) of the Industrial Disputes Act, 1947, has been raised by the Union and accordingly, the conciliation proceedings, with regard to the demand notice, are liable to be dropped.

That however, without prejudice to the above, the following is the;

**Reply on merits:**

1. That the contents of para 1 of the demand notice are entirely misconceived, baseless and false besides being vague. The management has not declared any lock-out in its establishment on 23.8.2010 or on any other date, what to speak about the lock-out of the company, therefore, the claim that the management has resorted to illegal, improper and unjustified action of lock-out of the company on 23.8.2010 is totally incorrect and a figment of the wild imagination of the Union. The management has always been prepared and is still prepared to provide duties to all the willing employees on its rolls, who are prepared to perform their assigned duties and except for small number of workmen, who are being misguided by the Union for its own malafide and vested interests, not to come inside the establishment to perform their duties despite repeated requests made by the management as well as information sent to the Labour department for directing those workmen

to report for their duties, all other workmen are duly performing their duties, from which it is clear that the management has never declared any lock-out. The Union, even otherwise, has no legal right and justification for sending the so called collective demand notice, as it does not have any substantial number of the workmen, employed in the establishment, as its members and its contention that question of espousal can only be decided by the Labour Court is not correct, as unless the appropriate Government is prima facie satisfied that a dispute has been validly espoused and therefore, amounts to an industrial dispute, as defined under section 2(k) of the Industrial Disputes Act, it may refuse to refer the dispute for adjudication.

2. That the contents of para 2 are also totally false, baseless, motivated and mala fide besides being absolutely vague, hence undeserving of any consideration. The management has never refused to consider the genuine and bonafide demands of its workmen and it has been implementing all the Labour laws, applicable to the establishment and it would be relevant to note that in the para, not even one provision of any Labour laws has been mentioned, which may have not been implemented by the management. The work of the management had been going on smoothly without any complaint by any workman and the relationship between the management and its workmen have been very cordial and it is the Union, which, for its vested and ulterior motive, which have international ramifications, has seemingly guided by a

foreign NGO, probably to deliberately hurt the Indian Garment Export Industry, has lately come into the picture, to create unnecessary industrial unrest and their illegal actions are not only confined to the establishment of the management, but their foreign advisors have fermented trouble against the management by making false, misleading, baseless and malafide allegations against the management to their international buyers resulting in the buyers shying away from placing further orders upon the management and thereby causing huge losses to the management. It would be appreciated that a bonafide trade union will never indulge in any activity, which may harm the business of the industry, as in case the industry suffers, the workmen, employed in the industry, would also suffer, as the interest of the industry and workmen cannot be separated. However, the present Union, is obviously not a bonafide trade union, as by its illegal and unjustified acts and conduct, it has caused irreparable loss to our industry, which has not furthered the interest of the workmen, whom it claims to represent and in fact, its acts are helping international competitors in the trade. The management has not punished and suppressed the genuine grievances of any workman what to speak about the 375 workmen and as already mentioned all the Labour laws are being duly implemented. Therefore, the allegations, made by the Union, have no legs to stand on.

3. That the contents of para 3 are also wrong and denied besides being absolutely vague, hence undeserving of any

consideration. The management having not illegally terminated the service of any workman, the question of the management illegally and unauthorisedly refusing any alleged instruction of the Labour Officer for unconditional reinstatement of all workmen, did not arise. If the management had terminated all workmen, then its industry itself would have closed down. However, the correct fact is that even though the management has suffered tremendous loss of business due to the illegal and unjustified acts of the Union and its foreign NGO advisors, but it is still continuing to function and it has not prevented any workman on its rolls from performing his duties. The management has never tried to prevent any workman, on its rolls, willing to perform his assigned duties, to enter the premises of the establishment and the question of having any professional goons and henchmen threaten any workman from entering the premises, as vaguely alleged without any details whatsoever, did not arise. It is further totally incorrect that any workers were brutally beaten up and goons of the management even tore their clothing in the day light. It is also totally incorrect and false that any hired goons and henchmen also abducted any workman named Anwar Ansari and kept him in their custody for more than 14 hours and beat him badly. No such act having been committed, the question of Mr. Ansari having been released by any goons of the management only after the intervention of the I.C.P., Gurgaon, never arose and it seems apparent that the Union, in order to get gain a foot

hold in the industry by creating industrial unrest and making tall promises to the workmen, is deliberately making false, baseless, motivated and malafide allegations against the management by creating fictitious events, so as to utilize the police to pressurize and harass the management into accepting their illegal and unjustified demands.

4. That the contents of para 4 are wrong and denied. As already mentioned, the management has not locked out the company on 23.8.2010 or on any other date and no workman has been compelled to leave the Union, which, in fact, never had any substantial number of workmen as its members. No genuine legitimate and legal demands of the workmen have ever been suppressed by the management.
5. That the contents of para 5 are wrong and denied besides being absolutely vague, hence undeserving of any consideration. The due earned wages of the workmen on the rolls of the management for the month of August have been paid/tendered to the workmen and the question of payment of any compensation, did not arise, as no workman has been locked out of the company. In fact, only a few workmen, under misguidance of the Union, are refusing to perform their assigned duties and as such, the refusal to perform their duties by more than five workmen in concert, amount to an illegal and unjustified strike, for which appropriate action is liable to be taken against the striking workmen as well as the office bearers of the Union, who have been advising,

instigating and encouraging the such illegal and unjustified strike.

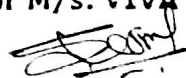
6. That the contents of para 6 are wrong and denied. Since the management has not declared any lock out, the question of taking any prior permission from the Labour department or giving any notice to the workmen of the establishment, did not arise.
7. That the contents of para 7 are wrong and denied besides being absolutely vague, hence undeserving of any consideration. The management has never compelled any workman to resign from service and leave the Union immediately.
8. That the contents of para 8 are wrong and denied besides being absolutely vague, hence undeserving of any consideration. The management has never used any money and muscle power to harm any Union leader and it is adopting only legal and legitimate steps to counter the illegal and unjustified activities of the Union by, inter alia, writing to the Labour department as well as to the workmen regarding the correct position of the Union committing illegal and unjustified acts and for the striking workmen to resume their duties.
9. That the contents of para 9 are wrong and denied besides being absolutely vague, hence undeserving of any consideration. The management again emphatically denies that it has ever declared any lock out and since no lock out has been imposed, the question of seeing any prior

permission from the Labour department, does not arise. Similarly, the management has not engaged in any unfair labour practice or violation of any Labour laws and the entire allegations, levelled by the Union, are not only vague and baseless, but are also clearly motivated and malafide. The demands, made by the Union, are, therefore, totally illegal and unjustified and do not amount to raising of any valid industrial dispute, as defined under section 2(k) of the Industrial Disputes Act, 1947.

In view of, inter alia, the circumstances mentioned above, it is most respectfully prayed that since no valid industrial dispute, as defined under section 2(k) of the Industrial Disputes Act, has been raised by the Union in the demand notice, it may kindly be reported that it would not be expedient and in the interest of justice to refer the dispute for adjudication.

It is further requested, as already informed, that the few workmen, who are on illegal strike and are refusing to perform their duties under the misguidance of the Union, may kindly be directed to end their illegal and unjustified strike and to resume their duties immediately, which would be without prejudice to the right of the management to take appropriate action against them for their concerted refusal to perform their duties by indulging in illegal and unjustified strike.

For M/s. VIVA GLOBAL.



(Authorized Signatory)





# Viva Global

**MANUFACTURERS & EXPORTERS**



## AUTHORITY LETTER – DEMAND NOTICE

In the matter of  
Garment and Allied Worker's Union  
v/s

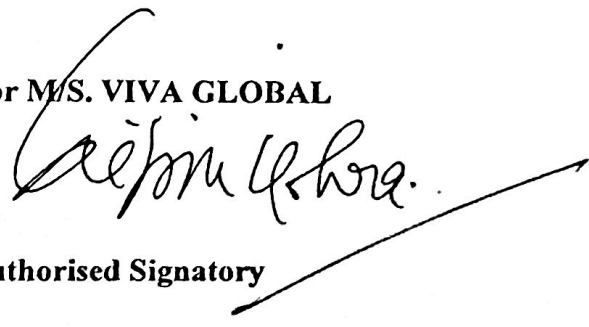
M/s. Viva Global

In the cited matter, we hereby authorize to Mr. Mahesh Kumar Sharma (GM-HR & Admin) & Mr. Mohan Dimri (Manager – Accounts) to represent us and to act on our before the above mention authority.

Attested Specimen Signature

	
.....	.....
(Mahesh Kumar Sharma)	(Mohan Dimri)

For M/S. VIVA GLOBAL



Authorised Signatory