

**BEFORE THE ADDITIONAL LABOUR COMMISSIONER (INDUSTRIAL  
RELATION) AND CONCILIATION OFFICER UNDER THE INDUSTRIAL  
DISPUTES ACT 1947**

**Between**

Workers of Arvind LifeStyle Brands Ltd.  
Represented by Garment and Textile Workers Union



**... First Party**

**AND**

The Management of Arvind Life Style Brands Ltd,

**... Second Party**

**REJOINDER TO THE OBJECTIONS FILED BY THE SECOND PARTY**

The First Party Union respectfully submits as under:

1. At the outset, it is submitted that the averments made by the Second Party in its objections are all blatantly false.
2. It is necessary to state at the very outset, that during the pendency of conciliation proceedings the second party management has repeatedly violated the law. Initially the second party management threatened the first party workers with termination. In this regard a complaint under Section 33 was also filed. Thereafter on 30.11.2020, the second party management locked out the workers and refuses to permit them to work, in a blatant violation of section 23 of the Industrial Disputes act. In this manner, the second party management has been repeatedly victimizing the workers and violating the law. It is necessary that immediate action be initiated against them including their prosecution.
3. The First Party Union has raised this dispute in regard to 63 workers and the failure of the Second Party Management to recognize them as their workers and the failure in providing them all benefits and facilities to the said workers.

4. The Second Party is a Garment manufacturer and exporter situated in Ramanagar which is also a packing and distribution centre and licensee holders for major European & US brands including Arrow, US polo, GANT, IZOD, RuF & TuF, NATICUA, FM, Aeropostele, ELLE and GAP.
5. The Second Party Management, remains a highly profitable company over the past several years. The net sales of the company and operating profit has also increased substantially. This has been possible only because of the loyal hard work of the First Party workers.
6. The averment of the Second Party in para 2 that the work is a need based work and involves no skill is completely false. In fact the work performed by the Second Party is of a perennial and permanent form and the First Party Workers are performing the core and perennial work of the Second Party Management, which is done throughout the year. The First Party Workers have in fact been working with the Second Party for over 13 years. It is submitted that there is no contract as claimed by the Second Party, and the First Party Workers are in fact, direct and permanent employees of the Second Party. The Second party is merely labelling them as contract labour when in fact they are permanent employees, solely with the intention to deprive them of their rights.
7. The averments in para 3 and 5 in regard to the contractor is denied as completely false. The failure of the Second Party to recognize the First Party Workmen as their employees clearly indicate the manner in which they treat their employees. Further, apart from the First Party Workmen, there are no other workmen at the Second Party, pointing out clearly to the falsity of the statements of the Second Party.
8. The work performed by the First Party Workmen is the work with skills. (as Picker, computer operator etc..) The averment in para 4 that the same is unskilled work and any length of service will not help the workman to gain additional experience is blatantly false and also clearly shows the manner in which the Second Party devalues the work performed by the First Party. It is only because of the First Party, that the Second Party has made such high profits, and the Second Party is attempting to disown them in a manner that is unacceptable and illegal.
9. The averments made in para 6 in regard to overtime work are blatantly false, and workers are compelled to work overtime without any overtime wages. The First Party Workmen are exploited in every which way possible, all for the reason that they are poor and vulnerable. Despite the First Party workmen



being the reason for the growth of the Second Party, their condition has not improved in any which way.

10. The averments made in para 7 are denied as false. The Second Party has been harassing and targeting workers for the sole reason that they have raised the instant dispute.
11. The averments made in para 8 to 10 are all blatantly false. The Second Party is the immediate and only employer of the First Party Workmen, and there is no contractor as claimed by the Second Party. The Second party with the intent of depriving the First Party workers of their hard-earned rights is making such false statements. The real nature of the work of the First Party and their relationship with the Second Party would clearly show that the Second Party is the employer of the First Party, and there is not contractor as claimed, and any such arrangement is nothing but a sham.
12. The averments made in para 11 is false and clearly shows the scant regard that the second party has for the fundamental rights of the workmen to organize and union. The same also clearly shows the manner in which the second party has deprived the workers of the legitimate rights and or even attacking most basic right to unionize. The first party union has never gone on a tool down strike and such baseless unsubstantiated remarks clearly show the extent to which the second party management goes to deprive workers of their basic rights. The averments made in regard to conciliation meetings held before the Labour officer Ramanagaram is incorrect, and in fact the conciliation meetings held therein go to show the continued manner in which the second party has been targeting and victimizing the first party for having exercised their fundamental right to organize.
13. The averments made in para 12 are completely false. The second party has, as described in the claim statement, continually violated the law and made all efforts to deny the workers their rights. As stated above the second part is the employer of the first party workmen and there is no so called "contractor " and such an arrangement is a complete sham created by the second party with the ulterior motive of depriving the workers of the rights. All other averments in this para are denied as falls
14. The averments made in this para are denied as falls baseless unsubstantiated and in fact defamatory. There have been no such instances as described by the second party and the same is nothing but blatant lies put forth by the second

party to prejudice the mind of this authority. There has been not a single instance of the employees or union creating a scene or a tool down strike and such lies are being stated merely to prejudice this Authority. The further statement that external forces committee and media have been called to destroy the reputation of the company is blatantly false. The First Party Workers have only put forth their legitimate demands and have highlighted the exploitative manner in which the second party conducts its self and this is no way can be termed as creating a scene. The statement that the workers have to earn their bread from the company clearly reflects the feudal mindset of the second party management and in fact it is the management, which has forgotten that the first party workers are the producers and the creators of the wealth, which is being enjoyed by the second party. It is reiterated that the second party indulges in all forms of unfair labour practice including targeting and victimizing office bearers and active members of the union.

15. The averments in para 14 are denied as false and factually incorrect. The second party has through their counter itself, shown the highly exploitative and feudal manner in which they have been conducting themselves with the first party workers, refusing to ensure the provision of their rights, and victimizing and targeting workers for seeking them.

16. The facts clearly show that the first party workers are the workmen of the second party and that efforts by the second party to show a sham arrangement of "contract" is nothing but an effort to hoodwink the authorities to deny the workers of the legitimate rights and to recognize them as in their employees. Hence, it is necessary that appropriate action be taken against the Second party for its blatant violation of the law, and they be advised to recognize the First Party Workers as their workmen.

Hence, it is prayed that this Authority advice the Second Party Management to treat the First Party Workmen as its direct and permanent workmen and ensure the provision of all benefits as permanent workers from their respective date of joining in the interest of justice and equity.

Place: Bengaluru

Date: 4.12.2020

*P. Pralusha*  
(PRATYAKSHIN)

First Party