

WORKER F VS WELL KNIT INDUSTRIES

OVERVIEW:

For case -6, the worker has been represented as 'Worker F'. He was appointed as Cutting Master in the respective company in 1999 and was orally terminated in the year 2006. He proceeded to claim justice through the conciliation process and then via the labour court in 2007. Then the court has ordered that the company should allow the petitioner to continue his tenure and considering the seriousness of the case, 25% of salary as compensation along with appointment order for continued job for worker F.

BASIC INFORMATION:

1. Name of the Worker: Worker F
2. Gender of the Worker: Male
3. Age of the Worker (at the time of IDI):
4. Name of the Company: Door No. 61, 15 Velampalayam Main Road, Opp. Mani's Theatre, Anupparpalayam Post, Tiruppur – 641652.
5. Designation of the Worker: Cutting Master
6. Years of work in the Company: 8 years
7. Dispute Type: Illegal Termination
8. Year of Dispute onset: 2007
9. Concluded/Ongoing: Concluded
10. Year of Conclusion (If applicable): -NA-
11. Individual/ Collective: Individual

TIMELINE OF EVENTS:

DATE	EVENT
February 1 st , 1999	Appointed as Cutting Master (but practiced the works assigned to him by the management moreover like a helper in cutting section)
October 10 th , 2006	Terminated Orally by the management
January 31 st , 2007	Requested the Company through letter for rejoining
February 9 th , 2007	Demanded the job through CITU by letter
February, 2007	Raised Conciliation proceedings before the Assistant Labour Commissioner (Conciliation)
October 10 th , 2007	Failure Report by the Assistant Labour Commissioner (Conciliation) as the management didn't present them for conciliation process
November, 2007	Presented the case for adjudication in the labour court, Coimbatore
September 16 th , 2016	Final Hearing
September 27 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

Well Knit Industries manufacture garments and exports to foreign country since 1993. Well Knit Group of Companies is one of the largest and reputed, high quality integrated garments manufacturers in India. The company produces high quality garments in knitted, Woven and Organic Cotton. Well Knit supplies garments to reputed buyers in major European countries. They have another company in the name of M/S. Sreeja Hosieries Pvt Ltd was started in 1996. Well Knit's manufacturing units are spread over a floor space of 125,000 sq.ft., in two different strategic locations. With the support of around 1500 committed workforce and most modern, sophisticated automated machineries. Well Knit produces quality garments of wide range for men, women and children. T-Shirts, Shorts, Jersey Sets, Sweats, Night wears, Baby wears etc and about 500,000 pieces of garments per month. The company has fabricating, cutting, stitching, embroidery, printing, checking, ironing units with laboratories having latest testing instruments. In every unit, the quality control department has integrated.

c. Beginning of the Conflict

The worker F has been working in Well Knit Industries since 1999, he has joined as cutting master on 01.02.1999. Worker F received a salary of Rs. 3640/-. Totally 8 years the Worker F had worked in the company. The Worker F was a permanent worker and ESI, PF were deducted from his monthly salary. On 10.10.2006, the company terminated the Worker F without any prior notice to him. He has been terminated as he keeps on asking for his leave wages, bonus, pending wages and demanding to get signatures from the workers in the salary register. But the company has not lended ears to his requests and demands. The company management has decided to send him out due to his activities and given termination by oral statement. The company management also denied to give his wages and terminated him. Worker F was so upset that he has been struggling without salary and any other job opportunities. He approached the company management several times but it ended in vain. The company management was not ready to consider him for his requests and demands.

d. Informal resolution process

Then, worker F tried to approach the Trade Union to get justice. He and the trade union CITU tried to compromise with the company management, but those attempts failed again. Then, the Worker F and the Trade Union sent their request to registered posts. But the management, the company never responded to the posts either. Worker F was mentally depressed and frustrated due to this arrogant nature of the company. Then worker F was advised to file a case to justice legally.

e. Formal resolution – Conciliation

Hence the Worker F filed a case to this Labor Office with the intention to get back his job and the pending wages. In the conciliation process, the company justified their act by saying the Worker F has voluntarily resigned his job and all the settlements were given to him at the time of his resignation. So they refused to give him a job again and were not ready to reconcile with the worker F. The Worker F refused to accept the statement given by the company as he wasn't resigned from the job on his own and never claimed any settlement from the company. He asked the Conciliation Officer to get the proof of evidence such as the resignation letter, receipt of settlements received if it was actually done and the Worker F stood strong on his demand for a job and actual monetary settlements which are pending. The company management failed to produce the documents to the Labor Officer as required by the Worker F in the process of conciliation. Therefore, the labour officer has prepared the failure report for the conciliation and the case was forwarded to the Labour Court.

f. Formal Resolution – Adjudication

In the labour court, the worker F demanded the same and mentioned that he has worked more than 240 days per year as an average in the Well Knit Industries until his termination on 10.10.2006. He also stated that at the time of his recruitment in 1999, he joined the company as cutting master in the company and his name was registered as S.Moorthy then and ESP & PF was deducted with that name. After some years, the company management changed his name to Eswaramoorthy with the intention to break the job continuity and opened another PF account from the year 2001 without any prior information to the Worker F. In the year 2001 and afterwards, the company management has maintained all records in names as Eswaran and Easwaramoorthy. Also the company management with the intention forced the Worker F to sign in letters and other documents once in 2 or 3 years to break the job tenure and continuity of the work illegally of the Worker F. The Worker F's actual name is S.Easwaran but the company management maintained the Worker F's name as Eawsaran, Easwaramoorthy and Moorthy in their records. Whatever acts the company management has done with the intention to break the tenure of service by the company and tend the worker F to deny all legal benefits in line with the Labor protection law and schemes.

In the case proceedings the worker F has produced the necessary documents as proof of his demands and queries. Meanwhile the company management has failed to produce such documents and the company was found guilty. Evidence and enquiries revealed the fact that the company failed to maintain proper record as proof of tenure and other welfare documents of employees and it is proved that worker F was not properly terminated. The court stated that even if the employee failed to continue his work, the company is responsible to ensure worker F to continue the tenure but Well Knit Industries failed to do so. Therefore, the court has ordered that the company should allow the petitioner to continue his tenure and considering the seriousness of the case, 25% of salary as compensation along with appointment order for continued job for worker F.

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.