

WORKER I VS TUBE KNITS FASHION LTD

OVERVIEW:

For case -9, the worker has been represented as 'Worker I'. He was appointed as Packer in the respective company in 2005. He was not given the actual salary, so he requested the actual wages from the company management. The company management has not responded to his request, so he sent petitions to the CM cell and to the labour commissioner. Afterwards he was orally terminated in the year 2007. He proceeded to claim justice through labour court in 2007. Then the court has ordered in the year 2012 that the company management to pay Rs.42, 860/- with the annual interest of 6% from the date of petition to the date of Judgment.

BASIC INFORMATION:

1. Name of the Worker: Worker I
2. Gender of the Worker: Male
3. Age of the Worker (at the time of IDI): Not Known
4. Name of the Company: Tube Knits Fashion Ltd. - 137, Kancheevaram, Nallur, Tirupur - 641 606
5. Designation of the Worker: Packer
6. Years of work in the Company: 8 years
7. Dispute Type: Payment of Wages and Bonus
8. Year of Dispute onset: 2007
9. Concluded/Ongoing: Concluded
10. Year of Conclusion (If applicable): 2012
11. Individual/ Collective: Individual

TIMELINE OF EVENTS:

DATE	EVENT
August 1st, 2005	Appointed as Packer
June 30 th , 2006	Demanded the Company Management to pay the actual salary
August 29 th , 2006	Petition sent to CM Cell
January 24 th , 2007	Petition sent to Commissioner of Labour, Chennai
August 8th, 2007	Terminated Orally by the management
2007	Presented the case for adjudication in the labour court, Coimbatore
July 26 th , 2012	Judgment was passed by the presiding officer of Labour Court of Coimbatore
Unknown	Settlement of the Arrear amount

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

Tube knit Fashions Limited is a garment manufacturing company having a vertical production facility to produce High Fashion Knitted Garments and exports in large quantities to many of the European and North American Countries.

It has Yarn Procurement, Knitting, Processing, Embroidery, Printing and Sewing units. It exports the knitted garments to the International Brands like S. Oliver, Tesco, Next, Animal, Primark etc.

c. Beginning of the Conflict

Worker I have been working in the Tube Knits Fashion Limited from August of 2005. He worked as the Packer in the Packing Section of the Garments. In the initial period of his work, the actual wage as per the wage settlement agreement among the workers of that company and the management was Rs.142/ day, but the Worker I was paid Rs.60/day. After, in January 2007 also the wage settlement agreement was revised and decided to give Rs.156/day. But, that time management has just paid Rs.70/day for the Worker I and also for the other workers like him.

He raised voice on behalf of others and himself by demanding the actual wages as per the wage settlement agreement. The company management doesn't like his activity and then terminated him orally on 7th August, 2007.

d. Informal resolution process

Then the Worker I raised demand on behalf of all other workers to the management in June 2006 through CITU. The management didn't respond and threatened him to do work only. Then he started continuing the work. In January 2007, the company management had made the revision on the wage settlement and made the wage for packers as Rs.156/day. But the workers were paid Rs.70/day only. He got depressed and frustrated with the management activity. Then with the guidance of the workers union he had taken the complaint to the government.

e. Formal resolution

Actually, He had sent the complaint letter i.e. a petition to the Chief Minister's Special Cell in August 2006 by requesting the government to take action for the improper wage distribution. He had not succeeded at that attempt.

Again, the worker I wrote the petition to the labour commissioner in Chennai in the month of January 2007 i.e. after the revision of wage settlement agreement. The worker I was depressed with as the management is not providing the actual wage and not even a 50 % of the actual wages. Then the Labour commissioner ordered the Deputy Commissioner of Labour in Coimbatore (As Tirupur was not separated as a district during the case process) to follow up the Worker I query and to submit the report to the CM Cell.

Then, the Deputy Commissioner of Labour, Coimbatore has sent a letter to the Worker I by suggesting him to file a case in the Labour Court under ID Act through Trade Union for remedy and justice.

f. Formal Resolution – Adjudication

Afterwards, he filed the case in the Labour Court, Coimbatore with the guidance of CITU and the union advocate has supported him in the case proceedings. The case was filed under the section 32 C (2) of Industrial Dispute Act and demanded the company to provide the wage arrears of Rs.73, 340 with the annual interest of 18%.

The case proceeded for 6 years in the court for adjudication. The company management had told the Worker I was working with from January 2007 only and also stated that he left the job on his own. But when the court asked for the proof and documents, the company management hadn't provided the documents before 2007. Meanwhile the Worker I has submitted the required documents for the proof.

Then, on the final hearing in 2012 the honorable court ordered the company management to pay Rs.42, 860/- with the annual interest of 6% from the date of petition to the date of Judgment.

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.