

Before the Labour Cum conciliation officer, Gurgaon

In the case of

Workmen

V/s.

FASHION EXPRESS

Subject:- Reply to the complaint dated 08.11.2005
regarding payment of Bonus.

Sir,

With reference to the complaint dated 8.11.2005 made by the workmen we have to submit as under:-

PRELIMINARY OBJECTIONS:-

1. That the present complaint is not sponsored by the majority workmen.
2. That the complaint was premature as the Bonus is payable as per section 19 of Payment of Bonus Act, 1965 within 8 months from the date of closure of the Accounting year. As our accounting year ended on 31.03.2005, the due date for payment of Bonus was 30.11.2005 whereas the complaint for non payment of bonus was made on 8.11.2005

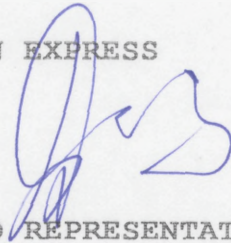
3. That as per the provisions of Payment of Bonus Act, 1965 all the employees getting basic salary of Rs. 3500/- P.M. or less are entitled to Bonus. As per our records 11 employees were entitled to Bonus. We offered them the bonus on 31.10.2005. 4 employees out of 11 received the bonus on 31.03.2005 whereas remaining employees refused to take the bonus. As these employees did not return up to collect their Bonus up to 29.11.2005, the same was sent to them by Cheque on their last address by Registered post on 29.11.2005. The copies of the letters along with the photocopy of the cheques and the registry receipts are enclosed herewith for your reference. Thus we have paid the Bonus to all the eligible employees. Hence there is no violation of any provision of the Payment of Bonus Act.
4. That as far as the remaining employees are concerned, as their basic salary is more than 3500/- per month they are not entitled to bonus as per the provisions of Payment of Bonus act, 1965. However the management offered to give a lumpsum amount to the employees as Exgratia keeping in view their period of service, their work performance, conduct, attendance, responsibility and sincerity towards their work on the eve of Diwali, but the employees refused to take the same.
5. That the payment of Exgratia is totally the discretion of the management and no employee can demand it as a matter of right. It is the sole discretion of the management to give or not to give the exgratia and if to give, then decide the quantum of exgratia. No employees can dictate the terms of payment of exgratia.
6. That the contents of the complaint are totally wrong and denied and the applicants be put to strict proof of the same.

7. That the above complaint has been filed with a bad & malafide intention just to harass the Respondent management.

In view of the above it is prayed to your honor that the above case may please be dismissed and filed with cost.

Date:- 19.12.2005

for FASHION EXPRESS

A handwritten signature in blue ink, consisting of a large, stylized initial 'F' followed by a surname, written over the typed text 'for FASHION EXPRESS'.

AUTHORISED REPRESENTATIVE