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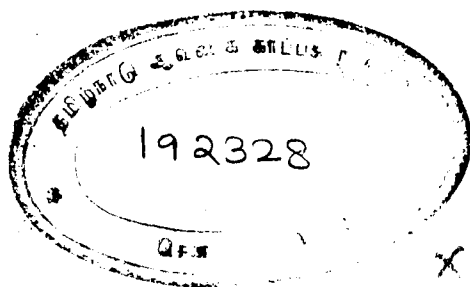
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THE MADRAS LABOUR GAZETTE

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SPECIAL ARTICLES

PRODUCTIVITY, PERSONNEL MANAGEMENT AND MAN POWER PROBLEMS THE PRODUCTIVITY CYCLE.

BY

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(The views expressed in this article are personal)

O & Connor has worked out a technique of Productive cycle, which shorn of its technicalities, amounts to this: The measure of Productivity is 60 minute production and whatever extra time is spent or has to be spent in doing operations, during which the machine has to be stopped, has to be added on to 60-minute to give us productive cycle time. Thus productive cycle time can serve as a divisor for the shift hours to find out the multiplier for 60-minute production to determine expected production for a shift. The skill of a technician or technician-cum-efficiency Engineer would lie in reducing the machine-stops. Symbolically, the productive cycle can be represented thus:

$$H = T + t_1 + t_2 + t_3 + t_4 + t_5$$

Where T is 60 machine productive time.

t_1, t_2, t_3, t_4 & t_5 are times for machine stops, say for doffing or Mending breakages on a speed frame or cleaning or waiting for auxiliary labour to repair and the time for repair.

Sufficient number of studies have to be taken to arrive at the time value of t 's. But before these values are finalized it may be necessary to train the worker in the proper method of work, to have an effective maintenance programme to avoid breakdowns or stoppages during the working hours to reduce doffing by increasing the size of the package in textile spinning, to use good material to reduce breakages or to so regulate the speed of the machine that unnecessary tension is avoided.

Thus there is scope for reducing the frequency of t 's or their duration. This will enable the management to reduce cycle time and get more production per shift.

Labour's Contribution

However, there is the other side of the picture; and this relates to the contribution of Labour in reduction of t's. This, for example, would relate to:

- (1) Speed rating of the operation;
- (2) Standardizing patrolling i.e. the workmen cannot be expected to attend to breakages by the random method but according to cycle servicing. This means that the workman does not take the stop nearest to hand but patrols the machine on a rigid schedule and attends to stops as he comes across them.
- (3) The operations which the workman has been doing and are to be eliminated. This will require time and incentive for reorientation. Here the force of habit comes in and the workmen would not be deterred from performing these operations simply at the direction of the supervisor, particularly, if he has been used to these operations long.

The management often takes the view no sooner said than done. And thus takes exception to the workmen doing what they have been asked not to do. It fails to see that many of them do so in spite of themselves. It is a well established empirical principle of psychology that neural pathway for habitual action are not easy to change. You cannot train an adult the way you do a child.

It is unfortunate that by and large an industrial engineer is not a psychologist and the psychologist not an Industrial Engineer. One has to be something of a practitioner in the line of one's specialization to face facts squarely; and here is a dilemma for the so called productivity studies. What is possible theoretically may not be so easy to realize in practice.

Human organism functions in certain rhythms to maintain homeostasis. Nature has bestowed the capacity for excitation and inhibition on the autonomous nervous system. But apart from the involuntary nervous system, the nervous system has the adaptability to make the once voluntary activity ideomotor or sensori-motor. In this nature's device for in, mechanism does our strength lie. The most intricate manual operations, the delicate designs on stone or paper or textiles which baffle an onlooker come easy to the artist and expert. And this is what an industrial engineer often fails to see. What is theoretically possible to him, may be not so feasible even with the best of intentions to the workman. The author found that in spite of the fact that the Sampurnanand Award for the textile mills of Kanpur made it imperative that self-threading shuttles be provided within one year of the publication of the award i.e. by August 14, 1963, a number of weavers who had grown gray in the profession found the sucking (or Kissing) type, albeit unhygienic, more handy. The muscles of the lips went into action at the thought of the insertion of a new weft bobbin in the shuttle and the fingers, more supple than the lips, relaxed, almost involuntarily, and the lips sucked the end out.

Here is a rub. The Efficiency, Production, or Industrial Engineer or by what ever appellation he is known, trips in making abstractions do the job for manual operations which are best and deftly performed as a feedback from handling, or the sight, of an tool, accessory or equipment and yet a change has to come. Here one has to press into service what is described as motivation. Motivation is so varied in its form, though money, particularly in an underdeveloped country, is one of the most powerful incentives. It may be a feeling of patriotism or thought for recognition, or all combined.

Motivation Key To Raising Productivity.

In short, reduction in t's is not only a matter of planning but one that relates to motivation as well. Planning is form without substance, and motivation lends substance to it. Here Productivity, as a proposition for industrial/efficiency engineer, merges into what is often described as personnel management. Personnel Management has been described as that part of management function which is primarily concerned with human relationships within an organisation. Its objective is the maintenance of such relationship, on the basis of which all the individuals working in the undertaking can make their personal contribution to the effective working of that undertaking. Now providing motivation among the employees is one the important functions of management.

One reads a lot about motivation in any text book on Psychology, particularly industrial Psychology. The technical expression for motivation in relation to industry is incentive. It is often pressed by employers and industrial engineers, that studies of incentive of workers have borne out the fact that factors other than high pay loom large in the lives of workmen. But that applies cogently to the west, where there is well nigh full employment and the wages are living wages. In India fair wages are an ideal yet to be achieved. And then, thanks to the rising cost of living, the increase in real wages is not appreciable, and in some cases below those in the base year which in U. P. is 1939. Hence when it is planned to increase productivity and to orientate workmen in the performance of operations in a manner that improved technique or motion study would justify, the first requisite is sharing in the gains of improvement. Of course, allowance has to be made for the absorption of the increased profit for amortization i.e. building a fund to pay back the capital required for improvement and the interest thereon. Even then some share in the gains is the legitimate due of workman.

The best method to ensure this share to workmen is collective bargaining and a readiness on the part of the management to place their cards on the table i.e. allow the representative union to have access to their accounts. Here there is another rub. A large number of employers have yet to get over the out dated capitalistic view of investment. It is held that the management has taken risk in investing the capital and must hold the purse strings, raising wages if necessary but without being accountable for the details of expenditure. And if a concession is to be made the duly audited profit and loss accounts are a guarantee of the management not trifling with the profits. As for back as 1956 the Labour Appellate Tribunal held that audited balance sheets should be presumed to be correct (1956—11 FJR—62).

But the right of the employees to impeach the presumption has been conceded as well and as held by the Supreme Court in 1962—1—LLJ—218 in such cases the Tribunal has to consider the explanation of employers. The Calcutta High Court in 1963—6—FLR—116 held that when employees were not satisfied with the statement of account filed by employers Tribunal would be justified in asking for the production of cash and other books. The Bonus Commission in 12.5 has also accepted in substance that profits made could longer be exclusively in the discretion of the employers. They hold "minimum bonus recommended is equivalent to 4% of the total basic and dearness paid during the year excluding all other allowances and other bonuses, such as Production bonus attendance bonus, statutory attendance bonus or Rs. 40/-to eachworker whichever is higher.

It is thus plain that before very long the old notion of exclusive right to private gains would be a matter of the past. This has a bearing on the monetary incentive in as much as the willingness to assimilate new technique and break away from the old ways of performing operations will be intensified if there were more money to have a few amenities or put by for the marriage or education of children. An argument often advanced by employers is that new technique make possible the shouldering of bigger assignment without any increase in workload in terms of man minutes needed for it and hence claim for higher wages was untenable. But as we urged in some of our contributions earlier, it is the factor or vigilance that is increased. The higher price paid is for vigilance factor in the nervous system which is weighted more as new technique come in eliminating or reducing manual operations. The visual perception sets in nervous processes and there is continuous feed back to intensify vigilance. A new homeostasis replaces the old and an adaptations ensues. The higher wage is the money return for acquiring this new homeostasis.

FORMS OF INCENTIVE

But money incentive, as said earlier, is only one aspect of motivation. Man liveth not by bread alone. Equally important is the treatment of the worker in a hundred situations in the industry. Some of these incentives are:—

- (1) Workers' need for leave for domestic purposes or for a holiday.
- (2) Patient hearing to grievances and remedying them if well founded.
- (3) Acceptance of suggestion for improvement and recognition of such suggestions that make the work meaningful for the workers.
- (4) Relations between the worker and supervisor and the worker and management.
- (5) Satisfactory work and operational conditions.
- (6) Satisfactory raw material and equipment.
- (7) Security of tenure.

Experimental studies have been conducted to gauge the importance of financial motive in work. Patten and Tead consider the creative instinct as the prime mover in economic activity. With a worker this interest need not be discovering something new but it would be discovering shortcuts to efficient performance. De Man found that only 11% of the unskilled workers were found to experience joy in work, in comparison to 44% of the semi-skilled and 67% of the skilled workers. And so the role of creative interest becomes important as we pass from (unskilled to skilled workman ship. And corollary from) this for our purposes is that the drudgery of constant manual application be replaced by semiskilled by introducing more of vigilance factor; and with this must come financial incentive to improve one's performance and acquire skill.

Further experimental studies in the Hawthorne Plant of the Western Electric Company showed that "the relationship between first line supervisor and the individual workman is of more importance in determining the attitude, moral, general happiness and efficiency of the employees than any other single factor.

Fairchild studied motives-in-work in terms of therbligs-skill-averages and came to the conclusion "failure to utilize men's capacity for skill development is like failure to utilize the capacity of the waterfall flowing past one's factory doors". This support our view that new technique are not inherently repulsive to the manual worker if he has money incentive and a rise in his status.

Williams in "Mainsprings of Men" found that the nature of a worker's job, and not solely the earning power, which gives a social status, counts.

The conclusion to be drawn from these experimental studies are:—

Workmen is not unwilling to adopt new technique and to spare himself the drudgery of manual work if that brings more money to him, has opportunity for self development, is saved excessive fatigue and there is an enlightened personnel management. The following is the ranking of motives which operate in industries based on a large scale investigation.

Skill for job	—	I
Interesting job	—	II
Commensurate wages	—	III
Understanding and appreciation	—	IV
Advice on problems of the individual	—	V
Advancement by merit	—	VI
Good working conditions	—	VII
Security of service	—	VIII

UNEMPLOYMENT AND PRODUCTIVITY.

Unfortunately, the situation in our country is complicated by the fact that there is large scale unemployment and teeming man power makes it difficult to find easy solution to the complex problem of unemployment. And so if new techniques threaten to throw workmen out of employment, there is naturally resistance. You cannot expect the workman to carry his own cross; and fellow workers who may be retained and have a change of advancement are drawn by the spectre of a fellow workman, being thrown on the rubbish heap, to resist any innovation that spells insecurity to the worker next to them. They would rather go slow and forego monetary gain than be the cause for the displacement of a fellow worker. And hence there is the seeming inertia to reduction in productive cycle.

It is no easy job to find an easy solution to this knotty problem. But it is submitted that the planning Commission and the planning machinery at the state level should while working out details of importing or manufacturing new machinery and launching upon operational research to improve per capita out put should workout ways and means to absorb surplus labour without reducing the chances of employment for younger generation, entering the employment market. It is no solace to workmen, nor for the matter of that to any body who is not wanting in human sympathy, that at some distant future greater industrilization will take care of the baeklog of unemployment. One cannot expect morality on an empty stomach. The solution, therefore, seems to be in so planning the expansion of a plant as to absorb surplus labour and not to base it merely on the technique of greater productivity, resulting in the displacement of Labour. This will mean a setback in some ways in the competitive market of the World if the cost of production is comparatively high. But we have much to do by way of improving the quality of our manufactured goods and then the wages being comparatively low it is rarely that we suffer handi-cap in export competition because of labour cost only.

A corollary to this will be a comparatively lower standard of living and inability to catch up with the U. S. A., U. K., or West Germany for a long time to come. But what matters to a country like ours is ensuring necessities to the population as a whole first, and then amenities suited to our climate. We may deny ourselves the luxuries of the West for a long time to come in the longer interest of the country without being any whit less virile and enterprising for want of them. Luxuries tend to bring their own intractable problems, mostly social. There are fewer cases of neurosis among the toiling millions than among the leisured.

(* Incentive may be defined as "an object, a situation or an activity which excites, maintains and directs behaviour".

Boring Langfield.)

LABOUR NEWS

INDUSTRIAL RELATIONS

DECEMBER, 1964.

The labour situation in the State was satisfactory. There were 14 strikes and lockouts in the textile mills (including the 2 strikes that were continuing at the end of the last month) and 10 strikes in other industries (including the 2 strikes that were continuing at the end of the last month) during the month of December, 1964.

Out of 14 strikes in textile mills 1 was continuing at the end of the month and out of 10 strikes in other industries one was continuing at the end of the month. The number of workers affected by the strikes in textile mills was 3830 and in other industries it was 5115. 11582 mandays were lost due to strikes in textile mill and 29998 mandays were lost due to strikes in other industries. The details of the work stoppages were as follows :

TEXTILE MILLS

The strike by the workers of Rajaratna Mills (P) Ltd., Neikarapatti, Palni which began on 24-11-64 was called off on 17-12-64 at 7 A. M. on mediation by the Deputy Commissioner of Labour, Madurai.

The strike by the workers of Sri Padma Mills Ltd., Kalapatti which commenced on 9.11.64 came to a close on 1.12.64 at 4 P.M. on mediation by the Deputy Commissioner of Labour, Madurai.

About 62 out of 891 workers of Sri Ramakrishna Mills Ltd., Ganapathy P.O. struck work on 12.12.64 at 3 P.M. as a protest against the deduction of 8 days wages by the management. The workers resumed work voluntarily on 13.12.64 at 7 P.M. As a result of the strike 193 workers were also indirectly affected,

The workers in the following textile mills struck work on 12th and 13th December 64 as a mark of respect on the demise of the labour leader Sri Jagannathan.

(1) About 192 out of 271 workers in Sri Gopalakrishna Mills Ltd., Ganapathy.

(2) All the 420 workers of the Dhanalakshmi Mills Ltd., Tiruppur.

(3) About 63 out of 71 workers of Dhanalakshmi Mills Ltd., Tiruppur 'B' Mill.

(4) About 1077 out of 1100 workers of Sri Ramalinga Choodambikai Mills Ltd., Tiruppur.

(5) About 148 out of 261 workers of Prakash Mills (P) Ltd., Peelamedu.

(6) About 136 out of 285 workers of Sri Varadaraja Textiles (P) Ltd., Coimbatore.

(7) About 223 out of 280 workers of Sri Kannapiran Mills, Sowripalayam.

(8) About 491 out of 1552 workers of Somasundara Mills (P) Ltd., Coimbatore. 475 workers were also indirectly affected.

About 16 out of 823 workers of Sivananda Mills Ltd., Ganapathy P.O. struck work on 1.12.64 at 9 A.M. demanding that only particular category of workers such as fitters and Assistant fitters should stop the machine instead of some other persons doing the job. The workers resumed work on 13.12.64 at 7 A.M. as a result of direct negotiation.

About 245 out of 361 workers of Tiruppur Cotton Spinning and Weaving Mills Ltd., Tiruppur struck work on 27.12.64 at 12 Noon as a protest against the revised hours of work and demanding full wages for shorter hour shifts. The strike was continuing at the end of the month.

About 89 out of 399 workers of Palar Mills Ltd., Wallajabad struck 14.12.64 due to certain grievances. The workers resumed work on 18-12-64 on mediation by the Labour Officer.

OTHERS

The strike by the workers of Navin Industries, Madras which began on 19-10-64 came to a close on 4-12-64 on mediation by the Labour Officer.

The strike by the workers of Indian Medical practitioners Cooperative Pharmacy and Stores Ltd., Madras-20 which commenced on 24-11-64 was called off on 4-12-64 on mediation by the Labour Officer.

About 46 out of 102 workers of E.K. Md. Ibrahim Sahib & Sons Tannery Erode struck work on 22-12-64 demanding bonus. The workers resumed work on 23-12-64 on mediation by the Deputy Commissioner of Labour, Madurai.

About 40 out of 110 workers of E.K. Hajee Mohamed Meera Sahib & Son Tannery Erode struck work on 22-12-64 demanding the management to provide sufficient work to the workers. The strike was continuing at the end of the month.

About 675 out of 786 workers of Nadumalai Estate, Valparai struck work on 8-12-64 at 8 A.M., as the rice supplied to them was of bad quality. The workers resumed work voluntarily on the same day at 5 P.M.

About 11 out of 18 workers of Thasar Press, Nagercoil struck work on 22-12-64 demanding bonus. The workers resumed work on 24-12-64 on mediation by the Labour Officer. As a result of the strike 7 workers were also indirectly affected.

About 5 out of 9 workers of I.C.I. Power Press Nagercoil struck work on 22-12-64 demanding bonus. The workers resumed work on 29-12-64. As a result of the strike 4 workers were also indirectly affected.

All the 150 workers of Measurell Engineering Co. (P) Ltd., Singanallur struck work on 8-12-64 at 12-30 P.M. protesting against the deduction of 8 days wages by the management. The workers resumed work on 10-12-64 on mediation by the Labour Officer.

About 4000 workers in All Tanneries in North Arcot District struck work on 19-12-64 demanding certain relief. The workers except in Ranipet area resumed work on 23-12-64 and those in Ranipet area on 24-12-64 on mediation by the Labour Officer and Commissioner of Labour.

About 177 out of 210 workers of Perambur Chrome Tannery, Madras struck work on 18-12-64 at 7-30 A.M. demanding permanency of certain casual workers. The strike was called off and the workers resumed work on the same day at 5-30 P.M. on mediation by the Labour Officer.

CENTRAL SPHERE

1. General : Nil

2. Conciliation :

(a) The Regional Labour Commissioner (C), Madras held conciliation proceedings in the dispute between the Madras Port Trust, Madras and the Madras Port Trust Employees, Union (Hind Mazdoor Sabha) Madras over recruitment of extra casuals and brought about a settlement on 9-12-1964.

(b) The Conciliation Officer (C) Madras held conciliation proceedings in the following disputes and brought about settlements on 30-12-64.

(c) Between the Punjab National Bank Ltd., and the Punjab National Bank Staff Union, Madras over overtime claim of Sri R. Krishnaramarayan of Chidambaram Branch and Shri P. Amirthalingam of Shrikali Br.

(2) Between Home Insurance Co. Group, Madras and the General Insurance Employees Union—Southern Zone, Madras over amendment to the settlement dated 19.10.64.

(c) Fourteen disputes were settled/disposed of at the intervention of the Officers of this Machinery without holding any formal conciliation proceedings.

3. Number of strikes and lockouts	1
4. Number of threatened strikes and lockouts	1
5. Particulars regarding disputes Received :	
a. Number of industrial disputes pending at the beginning of the month.	15
b. Number of industrial disputes received during the month.	19
c. Number of industrial disputes settled/disposed of during the month.	17
d. Number of threatened strike	1
e. Number of which materialised	NIL
f. Number of Draft Standing Orders certified.	NIL

STATE SPHERE.

The Conciliation Officers enquired into and settled 576 disputes during the month of December, 1964. Of these 75 were industrial disputes in which settlements were recorded under section 12 (3) of the Industrial Disputes Act, 1947.

ADJUDICATION UNDER THE INDUSTRIAL DISPUTES ACT, 1947.

The Government referred 14 industrial disputes in which settlements could not be brought about by conciliation, for adjudication by the Industrial Tribunal, Madras and the Labour Courts, Coimbatore, Madras and Madurai. The details of disputes referred for adjudication are published in the statistical part of the journal. 22 awards given by the Industrial Tribunal, Madras and Labour Courts on the industrial disputes referred for adjudication are published in the Fort St. George Gazette in the month of December, 1964.

WELFARE.

The employment situation in the State improved during the month after being static for a few months.

Compared to previous month, there were more registrations, vacancies notified and placements. The Live Register also diminished by 2.3% or (-4581).

The ratio of registration to vacancy notified during December, 1964 stood at 2.8:1 compared to 2.9:1 in November, 1964.

The number of vacancies notified and placements stood at 7,038 (+960) and 5,641 (+808) respectively.

The number of registration effected during December, 1964 was 20, 159 an increase of 2,295 or 12.2% over previous month.

Shortages were felt in the following occupations:—

Experienced Engineering/Degree/Diploma Holders; Medical Officers, Nurse (Male/Female), Maternity Assistant, Pharmacist (Degree/Diploma Holders), Sanitary Inspector, Lecturer in Chemistry/Physics, Secondary Grade (Urdu Trained), Language Pandit (Malayalam/Tamil/Hindi/Sanskrit/Telugu), Librarian, Graduate Assistant, (Science/Mathematics/Domestic Scheme/Social Studies), Steno-typist (English), Steno-typist (English & Tamil), Experienced Time Keeper, Qualified and experienced workshop Instructor in General Mechanic/Fitting and Welding, Instrument Mechanic, Machinist, Turner, Welder, Licensed wireman, Mono-key Board Operator, Mono-caster Operator, Automatic Machineman, Lino Mechanic Rolling scourer, Physical Training Instructor (Male/Female).

The Professional and Executive Employment Office, Madras registered 182 applicants and placed 27 in employment. At the end of the month, its Live Register of the Office stood at 1,192.

The Employment Office for the Physically handicapped registered 28 applicants (3 Blind, 13 Deaf-dumb and 12 Orthopaedics) during the month and placed 11 (3 deaf-dumb and 8 orthopaedics). At the end of the month, 336 remained on the Live Register comprising 118 blind, 71 deaf-mute and 147 orthopaedics.

The Employment Information and Assistance Bureau in the District of Coimbatore, Salem, Ramanathapuram and Tirunelveli interviewed and counselled 542 applicants and effected 386 registrations. The number of renewals made was 167.

The Mobile Registration Units attached to District Employment Offices, Ramanathapuram and Salem registered 206 applicants and effected 1,380 renewals during the month.

EMPLOYEES PROVIDENT FUND ACT, 1952.

During the month of December, 1964, the Employees' Provident Funds Act was extended to Milk and Milk Product Industry with effect from 31.12.1964.

24 establishments/factories were brought under Employees' Provident Fund Act, 1952 during the month of December, 1964, thus bringing the total No. of covered establishments/factories to 3,380.

A Total sum of Rs. 50,40,553.11 (excluding the refund of loans and previous accumulations, etc., amounting to Rs. 3,50,589.95 was received as employee's and employer's shares of contributions during November, 1964.

The total No. of employee's covered under the Employees Provident Funds Act, 1952 in the Madras state at the end of November, 1964 was 4,00,454.

CURRENT NOTES

MAN-POWER COMMITTEE

The state Government have constituted a Man-power Sub committee to finalise man-power requirements of the Co-operative Spinning Mills in the State. Secretary to Government, Department of Industries, Labour and Co-operation is the Chairman and the Director of Handlooms is the Member-Secretary. The Director of Industries and Commerce, the Director of Employment and Training, a representative of the Commissioner of Labour, a technical officer nominated by the Southern India Mill-Owners Association, Sri M. P. Nachimuthu and Sri V. Alagappan are other members of the Committee.

Wage Board For Cotton Textile Industry

The Second Wage Board for Cotton Textile Industry at its inaugural meeting held at Madras on January 23rd decided to recommend to the Government of India the inclusion of the Sewing thread Industry under the purview of the Board.

Wage Board For Coffee Plantation Industry

The Central Wage Board for Coffee Plantation Industry has unanimously made its final recommendations in regard to the wage structure of the field workers and the maistries in coffee plantation Industry. The recommendations are to take effect from 1 July 1964 and are to remain in force for a period of 5 years. The Government of India have accepted the Board's recommendations and have requested the employers to implement the same as early as possible.

The increased rates of wages are applicable to coffee plantation in Mysore, Madras and Kerala States. The maximum rate of wages for men field workers is Rs. 1-80 from 1-7-1964 and Rs. 1-85 from 1-1-1965. The wages of maistries in Madras and Kerala Region has been increased by Rs. 0-24 from 1-7-1964 and Rs. 0-29 from 1-1-1965.

Employee's Provident Funds Scheme

The Employees Provident Funds Scheme has been extended to 3 more industries viz., Non-ferrous metal and alloys industries, travel agencies and forwarding agencies with effect from 31st January, 1965.

Summary of the Proceedings of the Fifth Meeting of the State Evaluation and Implementation Committee Held on 28-1-1965 at 11 A. M. at the Office of the Commissioner of Labour, Madras.

ITEM 1 : Action Taken On The Conclusions Of The Fourth Meeting Held On 24-10-1964.

While recording the minutes of the fourth meeting the chairman referred to a letter from the Secretary, Association of Planters of the State

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of Madras, Coonoor on the decision of the State Evaluation and Implementation Committee that a convention should be established that unions should give an opportunity to the Association of Managements and Government Labour Officers to look into the dispute by at least giving them 72 hours notice. The Secretary, Association of Planters of the State of Madras has requested clarification on the resolution in the light of the Industrial Committee on plantations on 9th Session held at Calcutta in October, 1959, to the effect that the Code of Discipline in industry would apply to plantations with the modifications that the notice required for strikes and lockouts should be 7 days.

The Committee was of the opinion that the 72 hours notice suggested in the fourth meeting does not override any legal provisions of the Act regarding the notice required for a strike in public utility concern and or the existing conventions in Plantation Industry that this resolution was passed as there were too many lightning strikes in Textile industry and that the Committee was of the opinion that under no circumstances should a strike be resorted to, without giving an opportunity to the Associations of Managements and the Government Labour Officers to look into the grievance and in this context 72 hours notice was suggested. With a view to avoid any possible misunderstanding of the intention of the committee in the passing of the resolution the committee requested the Chairman to clarify the position that the convention was in addition to the existing statutory requirements and conventions of notice for a strike.

ITEM 2: Complaint of breach of code of discipline against the Binny and Buckingham and Carnatic Co., Employees' Union, Madras.

It was contended by Sri S. M. Narayanan on behalf of the Buckingham and Carnatic Employees' Union that the applicability or otherwise of the settlement to the members of this union was a legal question to be decided by the Court, they have applied for leave to appeal to the Supreme Court and as such the disposal of the case may be awaited. He contended that it was not correct to say that there was a strike as alleged by the management, that there was a change in conditions of work of the workmen without any notice, the union was not a party to the 12 (3) settlement and that the workers did not know the terms of the 12 (3) settlement. According to him the workers were willing to carry out the work as usual and that it was the management who did not offer the usual work.

Sri N. S. Bhat, representing the management contended that the question pending before the High Court on which leave for appeal was sought, has no relevancy to the subject before the Committee and that the question before the Committee was to decide whether there was a breach of code committed by the Union by resorting to a strike without notice. He said that there was no change in the conditions of work except for maistries.

Sri Gurumurthy, member suggested that a Committee may be set up to examine the facts and to give a finding whether there was a strike or not. The committee after some discussion accepted the suggestion of both the parties that Chairman of the Implementation and Evaluation Committee may go into the facts of the case and give his finding whether there was a

strike or not and the Committee will consider this subject on receipt of the finding.

ITEM 3: Recognition of Nilgiris District Estate Workers' Union, Coonoor (Affiliated to The India National Trade Union Congress) in plantation industry in the Nilgiris District under the Code of Discipline:

Based on the verification done by the State Evaluation and Implementation machinery that; Nilgiri District Estate Workers' Union was the union with the largest number of plantation workers as members in that area and satisfied the criteria for recognition under the Code of Discipline, the Committee decided to recommend to the managements to recognise the Nilgiris District Estate Workers' Union under the Code of Discipline as the representative Union for Plantations in the local area of the Nilgiris District.

ITEM 4: Recognition of Cauvery Sugars and Chemicals Ltd., Pattaligal and Staff Union, Pettavaithalai, Tiruchy District (Suggested by Sri I. M. Moinuddin, Indian National Trade Union Congress):

The Committee felt that wherever separate staff union has been recognised in this State, separate staff union may continue to be recognised in addition to the Workers' Union, in keeping with the existing practice in this State and that further steps on the request of the Cauvery Sugars and Chemical Ltd., Pattaligal and Staff Union, Pettavaithalai, Tiruchy District may be taken in pursuance of this decision.

ITEM 5: Recognition of Madurai Motor Labourers' Union, Madurai under the Code of Discipline by the Management of S. V. A. Transports, Madurai:

The Committee decided to advise the management of S. V. A. Transport, Madurai to recognise the Madurai Motor Labourer's Union, Madurai under the Code of Discipline.

ITEM 6: Illegal Strike by the workers in the Western India Match Co., Tiruvottiyur, Madras. Office bearers of the Western India Match Company Factories Workers' union and workers were warned. Placed before the meeting of the State Evaluation and Implementation committee for information:

This was recorded.

ITEM 7: Breach of Code of Discipline by the Coimbatore District Textile Workers' Union (Hind Mazdoor Sabha) Coimbatore Complaint by Sivanandha Mills Ltd., Ganapathy P. O., Coimbatore 6:

The Committee decided to warn the union in view of its assurance that it would not give room for such complaints in future.

ITEM 8: Complaint dated 8-8-1964 against the Neelamalai Plantation Workers' Union (Hind Mazdoor Sabha) Coonoor by the Nilgiri District Estate Workers' Union, Coonoor:

The Chairman explained to the member that the bonus settlement in the plantation industry for the year 1963 was reached under the guidance of the Chief Minister. A settlement under section 12 (3) of the Industrial Disputes Act was signed before the Commissioner of Labour by all the representatives of Registered Unions in Plantation and representatives of the Association of Planters of the State of Madras. The Committee strongly felt that any union which has been a party to settlement should not criticise any other union which has also been a signatory to the settlement. The committee was of the view that healthy conventions should be set up for maintaining harmonious inter-union relationship in our State and that no union should indulge in any act which will even remotely affect inter-union relations. The committee disapproved the action of the Neelamalai Plantation Workers Union (Hind Mazdoor Sabha) and resolved that its disapproval should be brought to the notice of the Hind Mazdoor Sabha and the union and that the union should be advised to desist from similar course of action.

AWARDS AND AGREEMENTS

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Present :—

The Honourable Mr. Justice Ramakrishnan
Writ Petition Nos. 764 and 766 of 1963. dated 16 November 1964

The workmen employed in Southern Textiles Limited, Sulusur represented by the Secretary, The Coimbatore Textiles Workers Union, Coimbatore

Petitioners in W.P. No. 764 of 1963.

The workmen of Sri Karunambikai Mills Ltd., Somanur, represented by the Secretary the Coimbatore District Textile Workers' Union, Coimbatore.

Petitioners in W. P. No. 766 of 1963.

— Versus —

The State of Madras represented by the Secretary to Government, Department of Industries, Labour and Co-operation, Fort St. George Madras.

1st respondent in both the petitions.

The Management of Southern Textiles Limited, Sulusur Post, Coimbatore District

2nd respondent in W. P. No. 764 of 1963

The Management of Sri Karunambikai Mills Limited, Somanur

2nd respondent in W. P. No. 766 of 1963.

Petitions under Article 226 of the Constitution of India, praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Mandamus directing the first respondent to perform its statutory duties laid on them under the provisions of the Industrial Disputes Act, 1947 by reconsidering the question of referring the Industrial disputes between the petitioner and the second respondent relating to the employment of (a) Viswanathan (in W. P. No. 764 of 1963) (Spinning T. No. 279) in accordance with law and (b) Natarajan (T. No. 41) in the second respondent mill (in W. P. No. 766 of 1963) for adjudication by a competent court and quash the said order and made therein.

These writ petitions coming on for hearing upon perusing the petition and the affidavit filed in support thereof the order of the High Court dated 30-7-1963 and made therein, and the counter affidavits filed herein and

the records relating to the question of referring the industrial dispute between the Petitioner in each of the Petitions and the 2nd respondent in each of the petitions in G. O. No. 39 (Labour) dated 3—1—1963 and G. O. No. 6143 (Labour) dated 17—12—1962 on the file of the Secretary to Government Department of Industries, Labour and Co-operation, Fort St. George, Madras and comprised in the return of the first respondent in both the petitions, to the writs made by the High Court, and upon hearing the arguments of Mr. S. Ramasubramaniam, Advocate for the Petitioner in both petitions and of Mr. S. Mohan for the Additional Government Pleader on behalf of the 1st respondent in both the petitions and of Mr. K. Hariharan, Advocate for 2nd respondent in W. P. No. 764 of 1963 and of Mr. M. R. Narayanaswamy, Advocate for the 2nd respondent in W. P. No. 766 of 1963 the Court made the following :

ORDER :

Though in these two writ petitions the parties are different and the circumstances are also different, certain common principles for decision were referred to, and the petitions were therefore heard one after the other in the course of the same hearing. The facts of the case are, however set forth separately in this order.

In W. P. No. 764 of 1963 a worker employed in the Southern Textiles Limited, Sular was alleged to have abused a maistry inside the factory on 12—9—1962 and assaulted him thereafter on the same date outside the factory after working hours. On a complaint by the maistry, the Management conducted an enquiry. The workers pleaded that he did not assault the maistry, but merely exchanged words. The enquiring Officer found the charge proved and the worker was dismissed. The Coimbatore Textile Workers' Union the Petitioner herein, took up the case of the worker before the Conciliation Officer whose efforts however failed. He submitted a "failure report" on 30—11—1962. The Government of Madras then passed an order in G. O. Ms. No. 39 (Labour) dated 3—1—1963 that there was no case to make a reference for adjudication to the Labour Court under section 10 of the Industrial Disputes Act. Against this order, the worker's Union has filed the present petition under Article 226 of the constitution for issuing a writ of mandamus to the first respondent the State of Madras, to consider the question afresh for referring the dispute to the Labour Court under Section 10. The second respondent is the management.

It is alleged by the petitioner in his affidavit that the question whether there was a proper enquiry by the domestic tribunal or not, and whether the enquiry involved vitimisation or other similar infirmities was only for the competent Labour Courts to decide and the Government acted in excess of its jurisdiction in refusing to make an order of reference on the ground that the enquiry by the domestic tribunal was properly conducted. It was also alleged that one of the reasons stated by the Government, namely that the Union did not produce any evidence in support of the expression of the will of workers to raise the dispute was not correct. The first respondent the State Government, in their counter affidavit denied these allegations. They also referred to the fact that there was, in this case a complaint by the assaulted maistry to the police followed by a criminal trail in which the worker was convicted and fined Rs. 25/- This

circumstance also was considered by the Government before it took up its decision not to make a reference.

The order of the Government records the following reasons :

" It is reported that the Union did not produce any evidence in support of the "expression of will of workers" to raise this dispute. It is further "reported that charges framed against the worker were held proved in the enquiry conducted by the management. For these reasons the Government do not make a reference for adjudication "

I was also shown by the learned Government Pleader the full original report of the Conciliation Officer, dated 30—11—1962, and another report of the same date, marked confidential, by the Conciliation Officer to the Government, both these reports mention the important fact that the complaint made by the maistry to the police regarding the incident of assault on him by the worker led to a criminal trial followed by conviction. The plea of the worker in the domestic tribunal was that he did not assault the maistry at all. Decisions have held that the finding of a criminal court on such a point is being on the domestic tribunal (vide *Jerome D. SILVA VS. REGIONAL TRANSPORT AUTHORITY* (1) 1952 I. M. L. J. 35) and *RADHAKRISHNA MILLS VS. LABOUR COURT* (2) 1960 II L.L.J. 678) The Government had this information before them and the were certainly entitled to take into account when they held that the charge is framed against the worker viz. assault on the maistry was proved in the enquiry conducted by the management.

The other point urged by learned counsel for the petitioner is that the reason given by the Government that there was no proof of the expression of the will of the workers to raise the dispute was not correct, because, before the conciliation Officer, the locus standi of the workers' Union to represent the worker in a collective dispute was not challenged by the Management. The report of the Labour Officer, marked confidential which was sent on the same date as the failure report, has made mentioned of the fact that the Union did not produce any evidence to show that they had been authorised to put forth the demands. The Government was entitled to take this report also into account; it need not confine its attention only to the failure report of the Conciliation Officer. It can take into account all relevant circumstances which would enable it to make a decision whether to make a reference or not under section 10. As pointed out in *BOMBAY UNION OF JOURNALISTS VS. STATE OF BOMBAY* 3. A. I. R. 1964 S. C. 1617 to 1621) the appropriate Government may consider prima facie the merits of the dispute and take into account other relevant considerations which would help it to decide whether making a reference would be expedient or not. No doubt, the Government order does not refer to the fact that the worker had been convicted in the criminal court; but the record shows that the information was also before the Government. In the decision just cited, it is pointed out at page 1622 that it would be idle to suggest that in giving reasons for refusing to make a reference under Section 12 (5) the Government has to indicate exhaustively all the reasons that weighed in its mind in refusing to make a reference. But what is important to

find out is whether the reasons actually given by the Government showed that it took into account a consideration which was irrelevant or foreign. That, no doubt, might justify a claim for a writ of mandamus. However, it is not shown in this case that any of the reasons given by the Government in the order is irrelevant or foreign for the purpose for view. It is also clear that, when examining the facts of the case for the purpose whether they justify *prima facie* the making of a reference under section 10 or not the Government cannot be considered as giving a final decision on disputed questions of fact. The Government were justified in referring to the record of the enquiry, before the domestic Tribunal and also the Conciliation Officers report for coming to the conclusion on *prima facie* grounds whether the enquiry was regularly conducted or not. In the decision in *GOVERNMENT OF MADRAS VS. WORKMEN OF THE SOUTH INDIA SAIVA SIDHANTA WORKS PUBLISHING SOCIETY* (4) I. L. R. 1964 Y. Mad. 850 at 858) the learned Chief Justice, delivering the judgment of the Bench to which I was a party, observed :—

“ If there had been a proper enquiry in that matter by the management, or, if, for example, the workmen had been convicted by the ordinary Courts of the land for the misconduct alleged, the Government will be justified in such a case to come to the conclusion that there is no *prima facie* case for reference. It cannot be said in such a case that the Government cannot look into the merits of the case ”

Adopting the same view, I am of opinion that the order of reference in this case is not vitiated on account of any of the reasons alleged by the Petitioner. The writ petition fails and is dismissed.

W. P 1 No. 766 of 1963 :

The petitioner in this case is the Secretary of the Coimbatore District Textile Workers Union, representing the workmen of Sri Karunambigai Mills, Somanur. It is alleged that one Natarajan employed in the second respondent—Mills was dismissed after enquiry by the Management, on a charge that he obtained leave of absence of producing a forged medical certificate. The plea of the worker before the domestic tribunal was that the certificate itself was not the one produced by him, but that it was some other certificate fabricated for the purpose. The effort of the Conciliation officer failed. In the failure report submitted by the Conciliation Officer to the Government, he made a reference to the procedure followed at the enquiry and to the pleas of the worker and the opportunity given by the management's to the worker to examine and cross-examine the Management's witnesses. The main purport of the Conciliation Officers report was that the enquiry was held in a regular manner and that the worker was dismissed for valid reasons. The Conciliation Officer also submitted on the same date viz. 5-11-1962 a report to the Government (marked confidential) to the effect that, at the conciliation enquiry, the union did not produce any record to show that they were properly authorised by the workers to represent them in the dispute. The first respondent, the Government of Madras, passed on order, G. O. Ms. No. 6143 Labour) dated 17-12-1962, refusing to make the reference. The Government gave the following reasons,

“ It is reported that the union did not produce the records in support of “ collective expression of will of workers ” to raise the dispute. It is also reported that the worker was dismissed after a due enquiry in which charges framed against him were held proved. For these reasons, the Government do not make a reference for adjudication. The present petition is filed by the workers' Union for a writ of mandamus, directing the Government to consider the question of making a reference afresh. The main allegation made is that the Government exceeded its jurisdiction in examining the merits of the case and that the question whether the enquiry was proper or not was one which should have been delegated to the Labour Court or Industrial Tribunal and should not have been taken up by the Government. It was also alleged that, before the Conciliation Officer, the second respondent did not dispute the competence of the Union to raise a dispute on behalf of the workers. These contentions were traversed in the counter-affidavits filed both by the State of Madras and by the Management.

Learned counsel for the Management in this Petition referred to the counter affidavit and stated that the Labour Officer had summoned the parties, including the Union to produce at the enquiry all relevant records including the Membership Register of the Union relating to the collective expression of the will of the workers to take up this dispute. This fact was not challenged by the Petitioner in any supplemental affidavit. It would therefore appear that the conciliation Officer was perfectly justified in commenting upon the omission of the union, at the conciliation enquiry, to produce evidence of its capacity to represent the worker in this dispute. It was this circumstance that the Conciliation Officer brought to the notice of the Government at the time when the Government passed the order now impugned. Whether the union had the capacity to represent the case of dismissed worker was certainly a fact germane to the relevance, and the Government, therefore, were justified in referring to it. On the further reason given by the Government that the enquiry was duly held and was a proper enquiry that was also within the competence of the Government to consider for *Prima facie* purposes, under Section 12 (5) of the Industrial Disputes Act. It is sufficient for this purpose to refer to the decision of the Supreme Court in *Bombay union of JOURNALISTS VS. STATE OF BOMBAY* 3. A. I. E. 1964 P. 1617 at 1622 where at page, 1622, the principles have been set down thus:

“ Besides, in dealing with this contention, it is necessary to remember that in entertaining an application for a writ of mandamus against an order made by the appropriate Government under section 10 (1) read with section 12 (5) the court is not sitting in appeal over the order and is not entitled to consider the propriety or the satisfactory character of the reasons given by the said Government. It would be idle to suggest that, in giving reasons to a party for refusing to make a reference under section 12 (5) the appropriate Government has to write an elaborate order, indicating exhaustively all the reasons that weighed in its mind in refusing to make a reference. It is no doubt desirable that the party concerned should be told clearly and precisely the reasons why no reference is made because the objection of section 12 (5) appears to be to require the appropriate Government to state its reasons for refusing to make a reference so that the reasons should stand public scrutiny; but that does not mean that a party challenging the validity of the Government's decision not to make a reference can require

the Court in writ proceedings to examine the property or correctness of the said reasons. If it appears that the reasons given show that the appropriate Government took into account a consideration which was irrelevant or foreign that no doubt, may justify the claim for a writ of mandamus. But the argument that, of the pleas raised by the appellants, two have been considered and not the third, would not necessarily entitle the party to claim a writ Article 226 ”.

I am of opinion that the orders of the Government does not involve any error of jurisdiction or any other ground justifying interference by the Court. The Petition is therefore dismissed.

There will be no order as to costs in either of the Writ Petitions.

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION.**

Civil Appeal No. 1036 of 1963 dated 11th November 1964.

The Management of the Murugan
Mills Ltd., Coimbatore.

... Appellant.

— Versus —

1. The Industrial Tribunal, Madras
B-1, Police Station Buildings,
Madras-1.

2. Mr. Rangarathnam Pillai, repre-
sented by the Coimbatore
District Staff Mills Union,
Coimbatore.

... Respondents.

Present

The Hon'ble the Chief Justice.

The Hon'ble Mr. Justice K. N. Wanchoo,

The Hon'ble Mr. Justice M. Hidayatullah.

THE APPEAL ABOVE BEING CALLED ON FOR HEARING before this Court on the 27th day of October, 1964 UPON hearing Mr. A. V. Viswanatha Sastri Counsel for the Appellant Counsel for Respondent No. 2 not being called upon to argue and respondent No. 1. not appearing either in person or by Counsel though served and the Appeal having been set down ex-parte against the said Respondent No. 1 the Court took time to consider its judgement and the Appeal being called on For Judgement on the 11th day of November, 1964 **THIS COURT DOTH ORDER: THAT the Appeal above mentioned be and is hereby dismissed AND THIS COURT DOTH FURTHER ORDER**

HAT the Appellant herein do pay to Respondent No. 2 herein his costs of this appeal incurred in the Madras High Court as well as the costs thereof incurred in this Court AND THIS COURT DOTH FURTHER ORDER THAT THE costs of this appeal incurred by Respondent No. 2 herein in this Court be taxed by Taxing Officer of this Court; AND THIS COURT DOTH LASTLY ORDER that this order be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Mr. Pralhad Balacharya

Sajendragadkar, Chief Justice of India at the Supreme Court, New Delhi, this the 11th day of November, 1964.

JUDGEMENT.

Wanchoo J. :

This is an appeal by Special leave against the judgement of the Madras High Court. The appellant is a textile mill. Rangarathnam Pillai respondent was employed as an accountant in the mill for over 13 years by the appellant. On September 11, 1958, the appellant served a notice on the respondent under Cl. 17 (a) of the Standing Orders terminating his services on and from September 24, 1958. No reasons were given in the order terminating the service. The respondent protested against his dismissal and said that he had a blameless record and had not done anything meriting the termination of his services. He added that no show cause notice had been served upon him. No explanation was asked for and no enquiry what so ever had been held before the order was issued. He further alleged that he had been victimised for his trade union activities as he was a member of the Executive of the Coimbatore District Textile Mill Staff Union. When his protest had no effect, he made an application under s. 33-A of the Industrial Disputes Act, No. 14 of 1947, (herewith referred to as the Act), as an Industrial dispute was pending at the time, between the appellant and its workmen. The main contention of the respondent was that the order terminating his services had been passed without obtaining the approval of the Industrial Tribunal and this was against the provision contained in s. 33 (2) (b) of the Act, which lays down that during the pendency of any proceeding in respect of an industrial dispute the employer may in accordance with the Standing orders applicable to a workman concerned in such dispute, discharge or punish him whether by dismissal or otherwise for any misconduct unconnected with the dispute, provided, that no such discharge or dismissal may be made unless the workman has been paid wages for one month and an application has been made by the employer to the authority for approval of the action taken by the employer.

The contention of the appellant before the tribunal was that the Services of the respondent had been terminated under cl. 17 (a) of the standing Orders. It enables the management to terminate the services of a worker by 14 days' notice. It was further contended that the termination was not for any misconduct and was not meted out as punishment and therefore s. 33 (2) (b) did not apply and it was not

necessary to obtain the approval of the tribunal. It was also stated that the reason for the termination of service was the respondent had been deliberately going slow in his work for some months prior to the date on which his services were terminated. This was because he had asked for increase in pay sometime back and that had been refused. It was further stated that the balancesheet for the year 1957 had been prepared till August 1958 and therefore when the appellant found that the respondent was deliberately going slow his services were terminated as provided in the Standing Orders.

The tribunal took the view that as the termination of service had taken place under cl. 17 (a) of the Standing Orders, this was not a case covered by s. 33 (2) (b) of the Act, which provides for discharge or punishment by way of dismissal or otherwise for any misconduct unconnected with the dispute. The tribunal however held that the case was covered by s. 33 (2) (a). It further held that the proviso to s. 33 (2) not only applies to a case covered by cl. (b) but also to cl. (a). Therefore as the proviso was not complied with, the tribunal held that the termination of service of the respondent was in contravention of the section and the application under Section 33-A of the Act was maintainable. However, as evidence had been adduced on both sides on the merits of termination of service, the tribunal went into the matter. It took the view that even under the Standing Orders, the appellant could terminate respondent's services only for proper reasons for the particular standing order provides that reasons should be recorded and communicated to the workmen if he so desired. The tribunal went into the question whether the appellant had proper reasons for terminating the Services of the respondent. It came to the conclusion that reason given by the appellant to the effect that the respondent had been deliberately going slow because his request for rise in pay had been refused was not made out. As to the non-preparation of the balance-sheet for the year 1957 upto August, 1958, the tribunal seems to have accepted the explanation of the respondent that the delay was due to the appellant's desire not to publish the balance sheet till fresh shares issued by it had been taken up by the public for if the loss incurred for the year 1957 were known to the public before the fresh shares were subscribed, the public response might be poor. The tribunal finally held that the delay in the finalisation of the accounts for the year 1957 could not be said to be due to solvency or dereliction of duty on the part of the respondent. The tribunal therefore allowed the application under s. 33-A and ordered the reinstatement of the respondent with back wages.

The appellant then filed a writ petition before the High Court, which came before a learned Single Judge. The learned Single Judge did not decide the question whether the proviso to s. 33 (2) applied only to cl. (b) and not to cl. (a). He held that as the action against the respondent was taken by way of punishment for negligence, etc., the case was clearly covered by cl. (b) of s. 33 (2) to which the proviso undoubtedly applied. He therefore held that the industrial tribunal had held jurisdiction to entertain the application under s. 33-A in the circumstances. Finally he held that as the tribunal had held on the merits that the charge against the respondent of dereliction of duty was not made out, the writ petition must fail. The appellant then went in appeal to the Division Bench, which upheld the order of the learned Single Judge. Then there was an appli-

cation for leave to appeal to this Court, which was rejected. The appellant then applied for and obtained special leave from this Court and that is how the matter has come up before us.

The right of the employer to terminate the services of his workman under a standing order, like cl. 17 (a) in the present case, which amounts to a claim "to hire and fire" an employee as the employer pleases and thus completely negatives security of service which has been secured to industrial employees through industrial adjudication, came up for consideration before the Labour Appellate Tribunal in *Buckingham and Carnatic Co. Ltd. v. Workers of the Company* (1). The matter then came up before this Court also in the *Chartered Bank v. Chartered Bank Employees Union* (2) and the *Management of U. B. Dutt & Co. v. Workmen of U. B. Dutt & Co.* (3) where in the view taken by the Labour Appellate Tribunal was approved and it was held that even in a case like the present the requirement of *bona fides* was essential and if the termination of service was a colourable exercise of the power or as a result of victimisation or unfair labour practice the industrial tribunal would have the jurisdiction to intervene and set aside such termination. The form of the order in such a case is not conclusive and the tribunal can go behind the order to find the reasons which led to the order and then consider for itself whether the termination was a colourable exercise of the power or was a result of victimisation or unfair labour practice. If it came to the conclusion that the termination was a colourable exercise of the power or was result of victimisation or unfair labour practice it would have the jurisdiction to intervene and set aside such termination.

The form therefore used in the present case for terminating respondent's services under cl. 17 (a) is not conclusive and the tribunal was justified in the enquiring into the reasons which led to such termination; even the standing orders provide that an employee can ask for reasons in such a case. Those reasons were given before the Tribunal by the appellant viz., the respondent's services were terminated because he deliberately adopted go-slow and was negligent in the discharge of his duty. His services were therefore terminated for dereliction of duty and go-slow in his work. This clearly amounted to punishment for misconduct and therefore to pass an order under cl. 17 (a) of the Standing Orders in such circumstances was clearly colourable exercise of the power to terminate the services of a workman under the provision of the Standing Orders. In those circumstances the tribunal would be justified in going behind the order and deciding for itself whether the termination of the respondent's services could be sustained. In the present case, evidence was led before the tribunal in support of the appellant's case that the respondent was guilty of dereliction of duty and go slow in his work. The tribunal was found that this has not been proved. In these circumstances the case was clearly covered by cl. (b) of s. 33 (2) of the Act as the Services of the respondent were dispensed with during the pendency of a dispute by meting out the punishment of discharge to him for misconduct. As this was done without complying with the proviso, the termination of the service was rightly set aside.

It is however urged on behalf of the appellant that the tribunal found that the case under s. 33 (2) (b) had not been made out. It also found that the case which had been made out was one under s. 33 (2) (a). It

then went on to hold that the proviso applied to s. 33 (2) (a). The appellant contends that the view of the tribunal that the proviso applied to s. 33 (2) (a) is incorrect and therefore the tribunal was not right in entertaining the application under s. 33-A and ordering reinstatement of the respondent. It is clear from a bare perusal of s. 33 (2) that the proviso thereto only applies to cl. (b) and not to cl. (a) and the tribunal therefore was in error when it held that it also applied to cl. (a). But that in our opinion makes no difference in the present case as pointed out by the High Court. The contention of the respondent was that there had been a contravention of s. 33 (2) (b). It was that contention which gave jurisdiction to the tribunal and which the appellant had to meet and it did meet it by producing evidence. That evidence was considered by the tribunal and it found that the appellant's contention that the respondent was guilty of dereliction of duty and go-slow had not been made out. In these circumstances even though the tribunal was in error in holding that the proviso to s. 33 (2) applied to cl. (a) there of also, there is no reason for us to interfere with the order passed by the tribunal. As the High Court has rightly pointed out, the case is clearly covered by s. 33 (2) (b) to which the proviso undoubtedly applies. As the proviso was not complied with the application under s. 33-A could be entertained by the tribunal and the tribunal did entertain it and went into the merits of the charge and came to the conclusion that the charge had not been proved. In these circumstances the order passed by the tribunal, and upheld by the High Court, is substantially correct, in spite of the error of law committed by the tribunal. The appeal therefore fails and is hereby dismissed with costs.

Sd/-P. B. Gajendragadkar, C. J.

Sd/-K. N. Manchoo, J.

Sd/-M. Hidayatullah, J.

Wednesday the 11th Nov. 1964.

MEMORANDUM OF SETTLEMENT.

Parties to the Settlement :

M/s. Stanes Motors (S. I.) Ltd., Coimbatore.

Represented by its
Director, Mr. J. H.
Wilkes.

and

The National Engineering and Allied Trades
Workers' Union, Coimbatore, on behalf
of the workers of the Company.

Represented by its
President,
Sri P. L. Subbiah.

Number and Category of workers . About 192.

The National Engineering and Allied Trades Workers' Union served a Charter of Demands on the Management of Messrs. Stanes Motors (South India) Ltd., Coimbatore, which related to revision of Basic Wages, Dearness Allowance, supply of Uniforms, provision of Canteen and Fair Price Shop, Gratuity, etc. Following this, negotiations took place between the parties and a settlement was arrived at on the following terms :—

TERMS OF SETTLEMENT.

1. The Scales of pay of the following categories of workers will be revised as follows with effect from 1-7-1964 :

Grade I (Skilled Workers) :

Rs. 47-00 — 5-25 — 68 (EB) — 6-75 — 95 (EB) — 7-50 — 147-50

Grade II (Semi-Skilled Workers) :

Rs. 35-00 — 3-37 — 48-50 (EB) — 3-50 — 62-50 (EB) 3-75 — 88-75

Grade III (Unskilled Workers) :

Rs. 32-00 — 1-75 — 39-00 — 3-37 — 52-50 (EB) — 3-50 — 77-00

2. All the workers will be given one additional increment on their Basic wages as on 1-7-1964, or on the date of their annual increment.

3. With effect from 1-7-1964, Dearness Allowance will be paid at 22 paise per point above 100 points on the Madras Cost-of-living Index.

4. Two sets of Khaki uniforms per year will be supplied to all the workers.

5. While re-iterating that "Promotion" is a purely managerial function, the Management assures that other things being equal; the seniority of the workers will be taken into consideration while ordering promotions.

6. The Management agree to look into the suggestions made by the Union for improving the existing facilities in the Canteen attached to the United Coffee Supply Co. Ltd.

7. The Union's request for opening a Fair Price Shop will be examined after the State Government finalises its scheme in this matter,

8. The Management agree to look into the difficulties experienced by the workers in the matter of transfers if specific cases are brought to their notice.

9. The Union agrees to take up the issue regarding Gratuity in the works Committee.

10. The other Demands raised by the Union are not pressed.

11. This Settlement shall be in force for a period of three years from 1-7-1964. It is also agreed that during the operation of this Settlement no Demands involving financial commitments, excepting the question of Bonus, will be raised by the workers.

12. In view of the above Settlement, the Union assures that the workers will not resort to any dilatory tactics. The workers realise the financial implications of this Agreement, and promise to cooperate with Management, through the Works Committee to increase productivity with a view to maintaining profits to the maximum extent possible.

13. The arrears due to the workers on account of this Settlement will be paid within a week.

Dated Coimbatore, the 12th January, 1965.

CURRENT LABOUR LITERATURE

SOME OF THE BOOKS AND ARTICLES PUBLISHED

IMPORTANT BOOKS

1. FONSECA (A. J.).
Wage determination and organised labour in India.
London. Oxford university press, 1964.
pp. IX+241. Rs. 10/-
2. MINER (John. B.).
Management of ineffective performance.
London, McGraw hill book company, 1963.
pp. IX+369. \$ 7.95.
3. SHARMA (G. K.).
Labour movement in India; Its past and present.
Ambala. University publishers, 1963.
pp. III+250. Rs. 50/-

IMPORTANT ARTICLES

1. REUTHER (Victor G.).
Role of trade unions in a changing society.
American Labour review. Vol. 18. No. 3. March, 1965.
2. SHIPE (Orrin, J.).
Credit unions within the U. S. Labour movement.
American Labour review. Vol. 18. No. 3. March, 1965.
3. METHA (Prabhu. V.).
Preventive maintenance : Its place in industry,
Productivity journal. Vol. 5. No. 4.
October - December. 1964.
4. GRACE (Arthur).
Factors affecting plant maintenance.
Productivity journal. Vol. 5. No. 4.
October - December, 1964.
5. RAMAYYA (S).
Public sector undertakings.
Commerce. Vol. 109. No. 2801. December, 1964
6. DATTA (S. K.).
Labour movement in India.
Indian worker, Vol. 13. No. 7. January 25, 1965.
7. MENON (T. K. R.).
Wages and prices.
Indian worker. Vol. 13. No. 7. January 25, 1965.

NOTIFICATIONS

The Indian Trade Unions (Amendment) Act, 1964.

Act No. 38 of 1964

An Act further to amend the Indian Trade Unions Act, 1926 as it enacted by Parliament in the Fifteenth Year of the Republic of India as follows :—

1. Short title and commencement :— (1) This act may be called the Indian Trade Unions (Amendment) Act 1964.

(2) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

2. Substitution of "office-bearer" and "office-bearers" for "officer" and "officers". — Throughout the Indian Trade Unions Act, 1926 (hereinafter referred to as the principal Act), except in sub-section (4) of Section 28 thereof, for the words "officer" and "officers" wherever they occur, the words "office-bearer" and "office-bearers" shall respectively be substituted.

3. Amendment of section 1 — In subsection (1) of Section 1 the principal Act, the word "Indian" shall be omitted.

4. Amendment of section 21 — In section 21 of the principal Act, the proviso shall be omitted.

5. Insertion of new section 21-A — After section 21 of the principal Act, the following section shall be inserted namely :—

21-A Disqualifications of office bearers of Trade Unions — (1) A person shall be dis-qualified for being chosen as, and for being, a member of the executive of any other office-bearer of a registered Trade Union if—

i) he has not attained the age of eighteen years;

ii) he has been convicted by a court in India of any offence involving moral turpitude and sentenced to imprisonment, unless a period of five years has elapsed since his release.

(2) Any member of the executive or other office-bearer of a registered Trade Union who, before the commencement of the Indian Trade Unions (Amendment) Act, 1964, has been convicted of any offence involving moral turpitude and sentenced to imprisonment, shall on the date of such commencement cease to be such member or office-bearer unless a period of five years has elapsed since his release before that date

6. Amendment of section 28. — In section 28 of the principal Act, in sub-section (1), for the word "March", wherever it occurs, the word "December" shall be substituted.

Appointment of Certain Officers of Labour as "Inspectors" under Madras Catering Establishments act.

G. O. Ms. No. 5729, Industries, Labour and co-operation,
(Labour) 18th December 1964.

II-1 No. 107 of 1965

In exercise of the powers conferred by sub-section (1) of section 20 of the Madras Catering Establishments Act, 1958 (Madras Act XIII of 1958) and in supersession of all previous notifications issued on the subject, the Governor of Madras hereby appoints the persons specified in Column (1) of the schedule below to be "Inspectors" for the purpose of the said Act, with in the local limits specified in the corresponding entries in column (2) of the said schedule :—

NOTIFICATIONS

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SCHEDULE.

Persons (1)	Local limits (2)
1. Commissioner of Labour, Madras.	Whole state of Madras.
2. Deputy Commissioner of Labour, Madras.	Madras city and Chingleput district,
3. Deputy Commissioner of Labour, Madurai.	Madurai, Ramanathapuram, Tirunelvely, Kanyakumari, Trichirappalli, Tanjavur and South Arcot Districts.
4. Deputy Commissioner of Labour, Coimbatore.	Coimbatore, the Nilgiris, Salem and North Arcot Districts.
5. Inspector of Labour I, Madras.	Madras corporation Divisions 1 to 50 and Ponneri, Tiruthani and Tiruvallur Taluks of Chingleput District.
6. Inspector of Labour II, Madras.	Madras corporation Divisions 51 to 100 and Saidapet, Kancheepuram, Sriperumbudur and Chingleput taluks of Chingleput District.
7. Inspector of Labour Coimbatore.	Coimbatore and Nilgiris Districts.
8. Inspector of Labour Trichirappalli.	Tiruchirappalli district.
9. Inspector of Labour, Thanjavur.	Thanjavur and South Arcot districts
10. Inspector of Labour, Madurai.	Madurai district and Ramanathapuram district excluding Sivakasi Revenue division.
11. Inspector of Labour, Tirunelvely.	Tirunelvely and Kanyakumari districts and Sivakasi Revenue division of Ramanathapuram district
12. Inspector of Labour, Vellore.	North Arcot and Salem districts.
13. Assistant Inspectors of Labour.	Local limits assigned to them under the Madras Industrial Establishments (National and Festival Holidays) Act, 1958 (Madras Act XXXIII of 1958)

Government of India

Ministry of Labour and Employment

Date New Delhi, the 14th Jan. 65.

RESOLUTION

No. WB. 3 (26)/64.

The Central Wage Board for Coffee Plantation Industry, set up by the Government of India by their Resolution No. WB. 3 (5) /61-1 dated 7th July 1961 has made its final recommendations in regard to the wage structure of the field workers and the maistries in the Coffee Plantation Industry as shown in the Appendix — These recommendations are to take effect from the 1st July, 1964 and remain in force for a period of five years.

2. Government has decided to accept the Board's recommendations and to request the employers to implement the same as early as possible.

(Sd. P. M Menon)

Secretary to the Government of India.

Central wage Board for Coffee Plantation Industry.

The Board has reached unanimous conclusions about the wages of the field workers and the maistries in the coffee plantation industry. The Board has also taken unanimous decisions about other incidental matters and the drafting of the report of the Board has also been taken on hand. But the Board is not in a position to finalise and submit its report to Government as it has still to finalise the new wage structure for the staff employed in the coffee plantation industry. At the same time the Board feels that the workers whose wage rates have already been decided should get the benefit of wage increase without any delay. This has also become necessary in view of the fact that the workers employed in tea plantation industry in the South have been granted an interim wage increase from 1st of May 1964 but no such increase was granted in respect of the coffee plantation workers as at that time this Board was of the view that it should decide upon the final wage structure. But due to unavoidable circumstances the Board could not complete its deliberations earlier and would require some more time before a report can be submitted to Government. The Board has therefore decided to recommend to Government for the implementation of increased rates of wages in the coffee plantations industry in so far as the field workers and maistries are concerned.

Accordingly, the Board recommends that :—

(1) The wages of the field workers in coffee plantations from 1-7-64 and 1-1-65 should be as shown below :—

Region	Planted acreage	Categories of workmen	Wages from	
			1-7-64	1-1-65
MYSORE				
Mysore	0 acres and above	Men	1-80	1-85
		Women	1-40	1-45
		Adolescents	1-10	1-12
		Children	0-90	0-92
-do-	Below 50 acres	Men	1-71	1-76
		Women	1-37	1-42
		Adolescents	1-03	1-06
		Children	0-85	0-88
MADRAS				
All Districts other than Madurai & Salem	50 acres and above	Men	1-80	1-85
		Women	1-40	1-45
		Adolescents	1-10	1-12
		Children	0-90	0-92
Below 50 acres		Men	1-78	1-78
		Women	1-42	1-42
		Adolescents	1-08	1-08
		Children	0-88	0-88
Districts of Madurai & Salem	All Estates	Men	1-65	1-70
		Women	1-32	1-36
		Adolescents	1-02	1-05
		Children	0-82	0-85
KERALA				
Wynad	300 acres and above	Men	1-80	1-85
		Women	1-40	1-45
		Adolescents	1-10	1-12

NOTIFICATIONS

(1)	(2)	(3)	(4)	(5)
		Children	0-90	0-92
	Below 300 acres	Men	1-68	1-72
		Women	1-32	1-36
		Adolescents	1-02	1-05
		Children	0-82	0-85
Other areas	All estates	Men	1-83	1-88
		Women	1-45	1-50
		Adolescents	1-10	1-12
		Children	0-90	0-92
(2) The wages of maistries from 1-7-64 and 1-1-65 should be as shown below :—				
Mysore	1. Places other than Coorg		2-10	2-15
	2. Coorg		2-30	2-35
Madras and Kerala	All regions	The wages as at 30-6-64 should be increased by 0-24		0-29

Specifications of certain Officer in Industries, Labour and Co-operation Department as the Authority for the purpose of section 14 (3) in respect of industries falling under the Central and State spheres

(G. O. Ms. No. 5874, Industries, Labour and Co-operation (Labour) 28th December 1964)

II-1 No. 77 of 1965.

Under sub-section (3) of section 14 of the Employees' Provident Funds Act, 1952 (Central Act XIX of 1952), read with the Government of India, Ministry of Labour and Employment Notification No. PF. 11/43 (77/57, dated the 10th April 1957, published as S. R. O. No. 1258 dated the 10th April 1957, and in supersession of the Industries, Labour and Co-operation Department Notification II-1 No. 4590 of 1961, dated the 3rd October 1961, published at page 1594 of Part II-Section I of the Fort Saint George Gazette, dated the 25th October 1961, the Governor of Madras hereby specifies the Secretary or the Additional Secretary or the Joint Secretary to the Government of Madras, in-charge of "Labour" in the Industries, Labour and Co-operation Department, as the authority for the purpose of the said section in respect of Industries falling under the Central and State spheres.

Amendments to Madras Factories Rules.

[G. O. Ms. No. 4951, Industries, Labour and Co-operation (Labour), 24th October 1964].

S.R. O. No. A-1199 of 1964.

In exercise of the powers conferred by sections 64 and 112 of the Factories Act, 1948 (Central Act LXIII of 1948), the Governor of Madras hereby makes the following amendments to the Madras Factories Rules, 1950, published with the late Development Department Notification, dated the 15th March 1950, at pages 103 to 178 of the Rules Supplement to Part I of the Fort St. George Gazette, dated the 25th April 1950 as subsequently amended, the same having been previously published as required by section 115 of the said Act.

AMENDMENTS.

In the said rules, for rules 81 to 84-A, the following rule shall be substituted, namely :—

" Rules 81 to 84 prescribed under section 64.

81. *Persons defined to hold positions of supervision or management.*—The following shall be deemed to hold positions of supervision or management :—

(a) All persons specified in the Schedule annexed hereto ;

(b) Any other person whom the State Government may, by order in writing, declare to be a person holding a position of supervision or management in the factory, on application in that behalf made by the manager of the factory.

SCHEDULE.

1. Managers ;
2. Assistant Managers ;
3. Engineers ;
4. Weaving masters and spinning masters in textile mills ,
5. Head electricians ;
6. Labour or welfare officers ;
7. Chief Chemists ;
8. Chief metallurgists ;
9. Chief production engineers ;
10. Works Superintendents ; and
11. Chief Security Officers ;

82. *Persons employed in a confidential position.*—The following persons shall be deemed to be employed in confidential positions :—

(a) Stenographers and personal clerks of managers or managing agents of factories ;

(b) Any other person whom the State Government may, by order in writing, declare to be a person employed in the factory, in a confidential position on application in that behalf made by the manager of the factory.

* 83. *List to be maintained of persons holding confidential position of supervision or management.*—A list showing the names and designations of all persons to whom the provisions of sub-section (1) of section 64 have been applied shall be maintained in every factory.

84. *Exemption of certain adult workers.*—(a) Adult workers engaged in factories specified in column (2) of the Schedule hereto annexed on the work specified in column (3) thereof shall be exempt from the provisions of the sections specified in column (4) subject to the conditions, if any, specified in column (5) of the said Schedule.

(b) Except in the case of urgent repairs covered by item I of the Schedule, the exemption shall be subject to the following conditions :—

(1) In case of exemption from sections 51 and 54, no worker shall work for more than ten hours per day or 56 hours per week.

(2) In case of exemption from section 55, sufficient time though not a fixed period shall be given for meals to be satisfaction of the Inspector of Factories concerned.

(3) In case of exemption from section 56, the spreadover of hours of work inclusive of intervals for rest shall not exceed twelve hours in any one day.

*List to be maintained of persons holding confidential position of supervision or management :—A list showing.

(4) The total overtime hours worked beyond the limits of nine hours per day and 48 hours per week shall not exceed 50 hours for each quarter of the calendar year.

(5) Double wages for overtime work done beyond nine hours per day or 48 hours per week shall be paid in all cases as required by section 59 of the Act.

(c) In the absence of a worker who has failed to report for duty in factories in which any work should be carried on continuously for technical reason, a shift worker shall be allowed to work the whole or part of a subsequent shift subject to a maximum of eight hours in the subsequent shift irrespective of the restrictions imposed in clauses (i) and (ii) of sub-section (4) of section 64 of the Act, provided that—

(1) the next shift of the shift worker shall not commence before a period of 8 hours has elapsed ;

(2) within 24 hours of the commencement of the subsequent shift, notice shall be sent to the Inspector explaining the circumstances under which the worker is required to work in the subsequent shift ; and

(3) the exemption will be restricted to only male adult workers.

SCHEDULE

Section of the Act empowering the grant of exemption. (1)	Class of factory. (2)	Nature of exempted work. (3)	Extent of exemption. (4)	Remarks. (5)
64 (2) (a) and 64 (3).	All factories	Urgent repairs. *Explanation.—The following shall be considered to be urgent repairs:— (a) Repairs to any part of the machinery, plant or structure of a factory which are of such a nature that delay in their execution would involve danger to human life or safety or the stoppage of manufacturing process. (b) Breakdown repairs to motive power, transmission or other essential plant of other factories, collieries, railways, dock yards, harbours, motor transport, gas, electrical generating and transmissions, pumping or similar essential or public utility services carried out in the general engineering works and foundries and which are necessary to enable such concerns to maintain their main manufacturing process, production or service during normal working hours or according to schedule.	Sections 51, 52, 54, 55, 56 and 61.	(i) No worker shall be employed for more than fifteen hours on any one day, 39 hours during any three consecutive days or 66 hours during each period of seven consecutive days commencing from his first employment. (ii) Within 24 hours of the commencement of the work, notice shall be sent to the Inspector describing the nature of the urgent repairs and the period probably required for their completion.

(1)	(2)	(3)	(4)	(5)
64 (2) (b) and 64 (3).	Do.	(c) Repairs to deep-sea ships and repairs to commercial aircraft done in a factory which are essential to enable such ships or aircrafts to leave port at proper time or continue their normal operations in a sea or air worthy condition, as the case may be. (d) Repairs in connection with a change of motive power for example, from steam to electricity or <i>vice versa</i> when such work cannot possibly be done without stoppage of the normal manufacturing process.	(iii) Exemption from the provisions of section 54 shall apply only in the case of male adult workers. (iv) A running record of work done on such repairs shall be maintained in the muster roll in Form No. 25-A—<i>vide</i> rule 103 (A).	
	Do.	(1) Work in the mechanic shop, the smithy or the foundry or in connection with the mill gearing, the electric driving or lighting apparatus, the mechanical or electrical lifts or the steam or water pipes or pumps of a factory. (2) Work of examining or repairing any machinery or other part of the plant which is necessary for carrying on the work in the factory.	Sections 51, 54, 55, 56, and 61. Do.	The exemption shall be granted only in respect of a limited number of persons to be given by the Chief Inspector on application by the Manager through the Inspector of Factories concerned.

(1)	(2)	(3)	(4)	(5)
		(3) Work in boiler houses and engine rooms, such as lighting fires, in order to raise steam or generate gas preparatory to the commencement of regular work in the factory.	Do.	
		(4) Clerks engaged in the preparation of pay rolls.	Sections 51, 54 and 56.	The exemption shall be only for the preparation of pay roll
	Cinema studios ...	Workers showing reflectors shifting furniture on set, clap boys, cameramen and sound department men in the process of shooting films.	Sections 51, 54, 56 and 61.	
		Erection or dismantling of settings or the make-up of actors and actresses in cinema studios.	Sections 51, 54, 55, 56 and 61.	
	Iron, steel, brass and copper rolling mills.	Work in connection with roll changing	Do.	
64(2)(c) and 64(3).	All factories ...	(1) Work performed by drivers on lighting, ventilating and humidifying apparatus.	Do.	
		(2) Work performed by fire pump men	Do.	
	Cardamom factories ...	Work of persons employed in drying cardamom.	Sections 55, 56 and 61.	
	Salt factories ...	All workers employed in the manufacture of salt.	Do.	

* Periodical cleaning is not included in the term "examining" or "repairing"

NOTIFICATIONS

Section of the Act empowered the grant of exemption.	Class of factory.	Nature of exempted work.	Extent of exemption.	Remarks.
(1)	(2)	(3)	(4)	(5)
	Dhall conversion (black gram) factories and other dhall factories.	Work of persons employed in drying blackgram and peeling the skin of broken dhall.	Sections 55, 56 and 61.	Exemption from provisions of section 61 will apply in so far as it relates to the specification of the period of rest interval in the notice of work periods of adults. The spreadover shall not exceed twelve hours on any day. The entries regarding actual commencement and completion of their periods of work shall be entered in Form 25-A.
	Gingelly oil chakkus (country oil expellers).	All adult workers engaged in manufacturing process.	Do.	Exemption from the provisions of section 61 will apply in so far as it relates to the specification of the period of rest interval in the notice of work periods for adults. The spreadover shall not exceed twelve hours on any day.
64(2)(c) ...	Newspaper presses.	Work of persons employed in the rotary machine, stereos, binding and process departments.	Sections 51, 54 and 56.	The entries regarding the actual hours of work of each exempted workers are made daily in the muster roll in Form 25-A.

(1)	(2)	(3)	(4)	(5)
64 (2)(d) and 64 (3)	Oil tank installations.	Work of persons employed in pumping operations and in connexion with the pumping of oil out of, or into, a ship or with bulk transfers of oil from or into, storage tanks.	Section 51, 52, 54, 55, 56 and 61	—
	(1) Public Electric generating and transforming stations.	All workers engaged on continuous work for generating or transforming electricity.	Section 55 and 61	Exemption from the provisions of section 61 will apply in so far as it relates to the specification of the period of rest interval in the notice of work periods for adults.
	(2) All factories	Any special class of workers engaged on work considered to be essential or continuous in the nature of the duties involved	Section 51, 52, 54, 55, 56 and 61.	Exemption to be given by the Chief Inspector if he considers it necessary on application by the Manager.
	(3) Sugar factories	All workers engaged on continuous process work.	Section 55 and 61	Exemption from the provisions of section 61 of the Act will apply in so far as it relates to the specification of the periods of rest interval in the notice of work periods for adults.
	(4) Chemical factories	Do.	Do.	Do.
	(5) Vegetable oilhydrogenation factories.	Do.	Do.	Do.
	(6) Ice factories	Do.	Do.	Do.

(1)	(2)	(3)	(4)	(5)
64 (2) (d) and 64 (3)—cont.	(7) Oil Mills	Do.	Do.	Do.
	(8) Glass factories	Do.	Do.	Do.
	(9) Paper factories	Do.	Do.	Do.
	(10) Rubber tyre factories.	All workers on the curing process	Do.	Do.
	(11) Cement factories.	All workers engaged on continuous process work.	Sections 55 and 61	Exemption from the provisions of section 61 of the Act will apply in so far as it relates to the specification of the periods of rest interval in the notice of work periods for adults.
	(12) Municipal and public water and sewage pumping stations.	Do.	Do.	Do.
	(13) Tanneries	Country and chrome tanning excluding the finishing processes	Do.	Do.
	(14) Bricks, tiles and potteries.	Work of kiln burners	Do.	Do.
	(15) Distilling sandalwood and other essential oils.	Work in the still and condensing rooms	Do.	Do.

(1)	(2)	(3)	(4)	(5)
	(16) Enamel works—	Work in the furnace enamelling rooms	Do.	Do.
	(17) Plywood manufacture.	Work of cutting, gumming, pressing and drying of plywood.	Do.	Do.
	(18) Chicory factories.	Work of persons engaged in the process of drying chicory.	Do.	Do.
	(19) Iron, steel, brass, copper and aluminium rolling mills.	All the workers on continuous processes	Do.	Do.
	(20) Textile dyeing factories (non-power)	Workers employed in the dyeing, bleaching and finishing sections.	Section 51, 54, 55 and 56.	Do.
64 (2) (g) and 64(3)	Tea factories	Work of persons in tea factories except in the sifting department.	Section 55 and 61	— The time of starting work, etc. of each worker shall be entered in Form 25-A.
	(1) Work of persons in rubber factories.	As in column (2)	Do.	Exemption from the provisions of section 61 of the Act will apply in so far as it relates to the specification of the periods of rest interval in the notice of work periods for adults.

(1)	(2)	(3)	(4)	(5)
	(2) Work of persons engaged in drying, lifting and storing of paddy in rice mills.	Do.	Do.	Do.
	(3) Work of persons engaged in receiving, drying, lifting and storing of unpeeled or unshelled coffee and cashewnuts.	Do.	Do.	Do.
	(4) Work of persons engaged in drying of splints and veneers in match or wood working factories.	Do.	Do.	Do.
64 (2) (i) ...	News paper printing factories.	Teleprinter service	— — — Section 51, 54 and 56.	—
64 (2) (j) and 64 (3)	All factories	Loading and unloading of railway wagons	Sections 51, 52, 54, 55, 56 and 61.	—

2. Particulars of volumetary and collective agreements made between employers and employees during the month of December, 1964.

Serial No.	Name of the concern.	Date of Agreement.	No. of workers involved.	Issues
(1)	(2)	(3)	(4)	(5)
1.	The Janakiram Mills Limited, Powerloom Factory, Rajapalayam	6—11—1964	133	Increase of wages and fixation of workloads.
2.	The Indian Textile Paper Tube Co., Limited, Virudhunagar	4—12—1964	215	Supply of uniforms.
3.	Sri Rajendra Mills Limited, (B) Mill Salem	9—11—1964	—	Certain grievance of the workers with regard to the work load and wages of the workers in the winding department.
4.	The Lilly Spinning Industries, Komarapalayam	23—12—1964	—	Non-employment of Sri N. Shanmugam and 12 others and other demands of workers.
5.	Madura Mills Limited, Ambasamudram	26—11—1964	50	Revision of wages for converted Interframe Tenters.
6.	Madura Mills Co. Ltd, Ambasamudram	26—11—1964	130	Wages and work assignment of doubling doffers.
7.	Madura Mills Co., Ltd, Tuticorin	30—11—1964	51	Revision of wages of maistries.
8.	Sri Ramakrishna Industrials (P) Ltd, waste cotton Mills, Avanasi	23—10—1964	59	Bonus for 1963-64.
9.	Sri Kannapiram Mills Limited, Sowripalayam	4—12—1964	250	Bonus advance to temporary workers.
10.	Mysore Cafe Madurai	4—12—1964	33	Non-employment of workers consequent on the closure of the Hotel.
11.	South India Corporation (P) Ltd, Madurai	14—12—1964	14	Fixation of wages 14 and grant of annual increments.
12.	Natesar Press, Dindigul	19—12—1964	60	Permanency of 25 workers.

(1)	(2)	(3)	(4)	(5)
13.	Madura Mills Co., Ltd, (Pandian Mills) Madurai	7—12—1964	24	Wages and work assignment for doublers.
14.	Madura Mills Company Limited, Madurai	26—12—1964	8	Annual increment to roller coverers.
15.	B. and C. Mills, Madras	3—12—1964	1	Demotion.
17.	—do—	2—12—1964	1	Transfer
18.	—do—	7—12—1964	1	Transfer
19.	Best and Co, (P) Limited, Madras	21—12—1964	All the workers	Demands production bonus etc

3 Statement showing the Industrial Disputes referred for adjudication to the Industrial Tribunal, Madras and the Labour Courts, published in Part II, Section I, of the Fort St. George Gazette during the month of December, 1964.

Sl. No.	Name of the concern in which the dispute has arisen.	Issues	G. O. No. and Date of reference.
(1)	(2)	(3)	(4)
Industrial Tribunal, Madras			
<i>Chingelpet District</i>			
1.	Southern structurals Limited Pattabiram.	(1) Whether the refusal of work by the management from 26th October 1964 is legal and justified and (2) To what relief the workers will be entitled.	G. O. Ms. No. 5577, Industries, Labour & co-operation (Labour) Dated 11-12-64.
<i>Coimbatore District.</i>			
2.	Sowdambigal Motor Service Dharmapuram.	(1) Whether the management have acted bonafide in compelling the duty roster 28th January 1962. (2) Non-employment of Kumaraswamy and Thilaiappan conductors. (3) Demand for payment of (a) night halt batta to the running staff who have to halt at nights outside the head quarters of the company and (b) Tea allowance to the workshop personal when asked to do work during nights (4) Demand for the introduction of a gratuity scheme. (5) Demand for the payment of bonus to the following four workers for the years indicated against their names. (1) G. Sundaram driver 61-62 & 62-63. (2) Thilaiyappan. Conductor 61-62 & 62-63. (3) Kumarasamy Conductor 61-62 & 62-63. (4) A. Kannimuthu Driver 60-61.	G. O. Ms. No. 5459, Industries, Labour and co-operation (Labour) Dated : 3-12-64.

(1)	(2)	(3)	(4)
3.	Peirce Paslie and company Limited Coimbatore.	Whether the demand of the workers to extend the existing gratuity scheme to the workers in grabbing department is justified and if so to fix the same.	G. O. Ms. No. 5198 Industries, Labour & Co-operation (Labour) dated : 17-11-64.
<i>Madras District.</i>			
4.	Indian Oxygen Limited Madras-1.	(1) Payment of 10% of the total monthly emoluments as transport allowance per month. (b) Payment of 15% of the total emoluments as house rent allowance per month. (c) Revision of gratuity scheme. (d) Recruitment and Promotions.	G. O. R. No. 2606, Industries Labour & Co-operation (Labour) dated, 26-11-64.
5.	Hooghly Ink Company Madras.	(1) Whether the demand of the workers for fixation of scales of wages is justified if so to formulate the scale and fit the existing workmen in the revised scales. (b) Whether the demand of the workmen for revision of dearness allowance is justifiable. If so to fix the rates of dearness allowance.	G. O. R. No. 2636, Industries Labour & Co-operation (Labour) Dated, 30-11-64.
6.	Spencer and co Ltd., Madras.	Whether the demand of the Union that the 39 workmen mentioned in the order should be promoted to the grades shown in the order is justifiable and if so to what relief each of them is entitled.	G. O. R. No. 2729, Industries, Labour and Co-operation (Labour) dated : 11-12-1964.
<i>Tirunelveli District</i>			
7.	Loyal Textile Mills Kovilpatti.	Fixation of complement of workers in each department of A & B Mills in accordance with the existing work load and confirmation of full complement of workers.	Government Notification No. 11-1-No. 5412 of 1964 Dated : 19-11-64.

(1)	(2)	(3)	(4)
Labour Court, Madras.			
<i>Madras District</i>			
8. Gupta's States Hotel Madras-4.	Whether the non-employment of 42 workers covered by the dispute is justified and to what relief each would be entitled—	G. O. R. No. 2588, Industries, Labour, and co-operation dated 24-11-1964.	
	(2) To compute the relief if any awarded in terms of money if it can be so computed.		
9. M/s. Parry and company Madras.	(i) Whether the non employment of Sri. G. Kannan for 1st January 64 is justified and if not to what relief he is entitled and	G. O. R. No. 2606, Industries, Labour and co-operation Dated 26-11-1964.	
	(ii) To compute the relief if any awarded in terms of money.		
10. Paragon Talkies Madras.	(1) Whether the demand of the workmen, for revision of basic wages is justifiable and if so to fix the scales and fix the workmen in appropriate scales so fixed.	G. O. R. No. 2638, Industries, Labour & Co-operation, dated 30-11-1964.	
	(2) Whether the demand of the workmen, for enhance rate of dearness allowance is justifiable and if so to fix the rate.		
	(3) Whether the demand of the workmen, for introduction of a gratuity scheme in addition to the Provident Fund scheme is justifiable, if so to formulate a gratuity scheme.		
	(4) Whether the non employment of N. S. Nataraja Iyer is justified, and if not what relief he is entitled.		
<i>North Arcot District</i>			
11. E. I. D. Parry Limited Ranipet.	Whether the demand for supply of uniforms to all the workers employed in Fertilizer Department is justified and if so to fix the Number of sets to be supplied per year.	G. O. R. No. 2726, Industries, Labour and Co-operation, dated : 11-12-64.	

(1)	(2)	(3)	(4)
Labour Court, Madurai.			
<i>Madurai District</i>			
12. R. L. K. Press Madurai.	(1) Whether the dearness allowance of the workers for increase in wages is justified and if so to fix the quantum of increase.	G. O. R. No. 2608, Industries, Labour and Co-operation, dated : 26-11-64.	
	(2) Whether the demand of the workers for introduction of gratuity scheme is justified and if so to formulate a scheme.		
<i>Tiruchirappalli District.</i>			
13. G. D. Transports, Tiruchirapalli.	Whether the non-employment of A. Jayaraj is justified or not if so to determine the nature of relief to be given to him.	G. O. R. No. 2607, Industries, Labour and co-operation, dated : 26-11-64.	
14. Silva Transports Tiruchirapalli.	(1)* Whether the demand of the workers for bonus for 1962-63 is justified and if so to fix the quantum.	G. O. R. No. 2565 Industries, Labour & co-operation dated 17-11-64.	
	(2) Whether the non-employment of Sri. Sakul-hameed clearner is justified and if so what relief he is entitled to.		
	To compute the relief if any awarded in terms of money if it can be so computed.		

4. Statement showing the list of awards of the Industrial Tribunal, Madras and the Labour Courts, published in the Supplement to Part II, Section I of the Fort St. George Gazette, during the month of December 1964.

S. No.	Name of the concern in which the dispute has arisen	Page No. and date of the Gazette in which the notification is given	G.O. No. and date of the references.
(1)	(2)	(3)	(4)
Industrial Tribunal, Madras			
<i>South Arcot District</i>			
1.	Manjolai Estate, Kalladaikurichi	2 9-12-64	G. O. R. No. 2618 I. L. C. dated 28-11-64
2.	Veerappa Transports, Tindivanam	12 30-12-64	G. O. R. No. 2793, I. L. C. dated 21-12-64
<i>Coimbatore District</i>			
3.	Sri Ambal Mills Ltd., Somanur, Coimbatore.	11 30-12-64	G. O. R. No. 2771, I.L.C.(Lab)dt. 17-12-64
<i>Madurai District</i>			
4.	Spencer and Company Ltd., Cigar Factory, Dindigul.	6 23-12-64	G. O. R. No. 2767, I. L. C. dated 16-12-64
<i>Salem District</i>			
5.	Salem Erode Electricity Distribution Company Ltd., Salem.	15 30-12-64	G. O. Ms. No.5803, (Lab) I. L. C. dated 22-12-64
<i>Tiruchirapalli District</i>			
6.	Certain Tanneries in Tiruchirapalli.	13 30-12-64	G. O. R. No. 2829, I. L. C. dated 22-12-64
<i>Tirunelveli District</i>			
7.	Loyal Textile Mills Ltd., Kovilpatti	3 9-12-64	G. O. R. No. 2626, I. L. C. dated 30-11-64
Labour Court, Madras			
<i>Madras District</i>			
8.	M/s. South Indian Engineering Services, Madras.	4-5 16-12-64	G. O. R. No. 2684, I. L. C. dated 5-12-64
<i>North Arcot District</i>			
9.	Vijayalakshmi Silk Twisting Factory, Arani.	5-6 16-12-64	G. O. R. No. 2690, (Lab) I. L. C. dated 7-12-64
Labour Court, Coimbatore			
<i>Coimbatore District</i>			
10.	Stanes Transports Ltd., Coimbatore.	1-5 23-12-64	G. O. R. No. 2715, I. L. C. dated 10-12-64

(1)	(2)	(3)	(4)	(5)
11.	High Forest Estate, Mudis post, Coimbatore.	5-11 30-12-64	G. O. Ms. No. 5750, (Lab) I. L. C. dated 19-12-64	
Labour Court, Madurai				
<i>Tiruchirapalli District</i>				
12.	Karur Transport (Private) Ltd., Karur.	1-4 16-12-64	G. O. R. No. 2665, I. L. C. dated 3-12-64	
<i>Madurai District</i>				
13.	Sri Manicka Vilas Rice Mill, Madurai.	1-2 30-12-64	G. O. R. No. 2787, I. L. C. dated 19-12-64	
14.	Vinayagam Press, Madurai,	2-3 30-12-64	G. O. R. No. 2794, I. L. C. dated 21-12-64.	
15.	Raja Peas Frying Factory, Diadigul.	3-5 30-12-64	G. O. R. No. 2804, I. L. C. dated 21-12-64	
Additional Labour Court, Madras				
<i>Madras District</i>				
16.	Vikram Studios and Productions, Madras.	1 9-12-64	G. O. R. No. 2664, I. L. C. dated 3-12-64	
17.	Central Art Press, Madras.	6 16-12-64	G. O. R. No. 2681, I. L. C. dated 5-12-64	
18.	M/s. K. P. V. Shaik Mohamed Rowther and Company, Madras.	6-9 16-12-64	G. O. R. No. 2682, I. L. C. dated 5-12-64	
19.	High Grade Mobile Service Station Madras.	9-10 16-12-64	G. O. R. No. 2683, I. L. C. dated 5-12-64	
20.	M/s. Best Electroplaters, Madras.	12-17 16-12-64	G. O. R. No. 2692, I. L. C. dated 7-12-64	
<i>Chingleput District</i>				
21.	Gandiban Bus Service, Chingleput.	10-12 16-12-64	G. O. R. No. 2691, I. L. C. dated 7-12-64	
22.	Gandiban Bus Service, Chingleput	17-22 16-12-64	G. O. R. No. 2692, I. L. C. dated 7-12-64	

