

असाधारण  
EXTRAORDINARY

Daman 10<sup>th</sup> January, 2020 20 Pausha, 1941 (Saka)

सं. : 02  
No.

सरकारी राजपत्र  
OFFICIAL GAZETTE



सत्यमेव जयते  
भारत सरकार  
Government of India

संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित

PUBLISHED BY AUTHORITY

**No. DSC/DMN/2020/33**  
**District and Session Court,**  
**Daman.**

**Dated : 06/01/2020**

**Subject :-** Publishing the order in official gazette.  
(IDR 20/2018-decided on 31/12/2019  
Ilaben Jagubhai Patel v/s  
M/s Cello Pentek Pen and Stationary Pvt. Ltd.)

and

(IDR 9/2015-decided on 6/12/2019  
Arvind Chhagan Gayakwad v/s  
M/s Anchor Electrical Pvt. Ltd.)

With reference to the above cited subject the copy of Award (IDR 20/2018-decided on 31/12/2019 Ilaben Jagubhai Patel v/s M/s Cello Pentek Pen and Stationery Pvt. Ltd.) and (IDR 9/2015-decided on 6/12/2019 Arvind Chhagan Gayakwad v/s M/s Anchor Electricals Pvt. Ltd.) is hereby published in the Official Gazette of this U.T. Administration of Daman and Diu for general information.

**Sd/-**  
Presiding Officer,  
Industrial Tribunal,  
Daman.

BEFORE THE INDUSTRIAL DISPUTES ADJUDICATION TRIBUNAL DAMAN

(Presided over by V. P. Patkar)

**A W A R D**

(Delivered on 31<sup>st</sup> December, 2019)

**Industrial Dispute Reference No. 20/2018**

**EXH.11**

CNR No.UTDD010010792018

First Party- Company : M/s. Cello Pentex Pen and Stationary Private Limited, Through Executive HR Manager, R/o Srv. No. 327/2, 3, 7A, Village Kachigam, Nani Daman, Tahasil and District Daman.

**VERSUS**

Second Party – Claimant : Ilaben w/o Jagubhai Patel R/o c/o Srv. No. 327/2, 3, 7A, Village Kachigam, Nani Daman, Tahasil and District Daman.

Reference presented on : 12.11.2018

Reference decided on : 31.12.2019

**REFERENCE UNDER SECTION 10(1) (d) READ WITH SECTION 12(4) AND (5) OF THE INDUSTRIAL DISPUTES ACT.**

1. The Government – Administrator, U.T. Daman and Diu, Daman through Labour Commissioner, Daman, Department of Labour and Employment, Daman has been referred the reference of Industrial dispute under section 10(1) (d) read with section 12(5) of the Industrial Dispute Act in between the First Party – Company and Second Party – Claimant regarding amount of gratuity, bonus and R.C. etc. total amount of Rs. 1,08,046 which falls in third schedule of the Industrial Dispute Act to this Industrial Disputes Adjudication Tribunal – District Court, Daman for adjudication and submit award with vide its order dated 12.11.2018 No. LE/LI/DMN/FACT-134/2017/509 due to Conciliation Officer submitted conciliation failure report dated 29.10.2018 under section 12(4) of the Industrial Dispute Act thereby no settlement is arrived regarding industrial dispute between both the parties.

2. The reference of industrial dispute in between the First Party-Company and Second Party – Claimant coming on this 31<sup>st</sup> day of December, 2019 for final disposal before V. P. Patkar, President Officer, Industrial Disputes Adjudication Tribunal-Principal District Judge, District Court, Daman in the presence of Shri S. S. Modasia, Advocate for the First Party-Company and Mrs. S. V. Hansraj, Advocate for the Second Party-Claimant. The Second

Party-Claimant claimed Rs. 1,08,046/- regarding amount of gratuity, bonus and RC etc. against the First Party – Company.

3. Both the parties settled the dispute and executed settlement agreement Exh.8 and the First Party-Company agreed to Pay amount Rs. 70,000/- to the Second Party-Claimant which is mentioned in settlement agreement and the Second Party-Claimant agreed to take this amount from the First Party – Company.

4. And In view of settlement agreement the judgment passed on the referred reference and it is ordered and awarded that (1) The claim of Second Party – Claimant is partly allowed with no order as to costs. (2) The First Party – Company is hereby directed to pay amount of Rs. 70,000/- towards gratuity, bonus and R.C. etc. to the Second Party – Claimant within 30 days from the date of order or award, failing which award amount carry interest @ of 8% per annum from the date of reference till actual realization of the amount and (3) Copy of award be sent to the concerned office for publication of award in the government official gazette as per the provisions of law.

Given under my hand and seal of Industrial Disputes Adjudication Tribunal-District Court, Daman on this 31<sup>st</sup> day of the month of December, 2019.

Place : Daman  
Date : 31.12.2019

Sd/-  
**(V. P. Patkar)**  
Presiding Officer  
Industrial Disputes Adjudication Tribunal,  
Daman

Advocate for First Party-Company.

Advocate for Second Party-Claimant.

Prepared by :

Sd/-  
**(M. V. Patel)**  
Assistant superintendent

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BEFORE THE INDUSTRIAL DISPUTES ADJUDICATION TRIBUNAL DAMAN

(Presided over by V. P. Patkar)

**A W A R D**

(Delivered on 6<sup>th</sup> December, 2019)

**Industrial Dispute Reference No. 9/2015**

CNR No.UTDD010009982015

**EXH.27**

First Party- Company : M/s. Anchor Electricals Private Limited, Through Executive HR Manager Bhimpore, Nani Daman

VERSUS

Second Party – Claimant : 1. Arvind s/o Chhagan Gayakwad  
2. Sukar s/o Ziman Chodhary  
3. Gangaram s/o Radka Gavli (Dead) Through L.R. wife Sudhiben  
4. Ganpat s/o Gopal Bhoya  
5. Dhanesh s/o Raman Nikuliya  
6. Rama s/o Anaju  
7. Kalpesh s/o Dhakal Pandu

Reference presented on : 27.10.2015

Reference decided on : 06.12.2019

**REFERENCE UNDER SECTION 10(1) (d) READ WITH SECTION 12(4) AND (5) OF THE INDUSTRIAL DISPUTES ACT.**

1. The Government – Administrator of U.T. Daman and Diu, Daman through Deputy Secretary, Department of Labour and Employment, Daman has been referred the reference of industrial dispute under section 10(1) (d) read with section 12(5) of the Industrial Dispute Act in between the First Party – Company and Second Party – Claimant regarding leave with wages and holidays, bonus, profit sharing, provident fund and gratuity of Rs. 9,85,161/- which fall in third schedule of the Industrial Dispute Act to this Industrial Disputes Adjudication Tribunal for adjudication and submit award with vide its order dated 23/10/2015 due to the Conciliation Officer submitted conciliation failure report dated 27.08.2015 under section 12(4) of the Industrial Dispute Act thereby no settlement is arrived regarding the industrial dispute between both the parties.

EXTRAORDINARY NO. : 02
DATED : 10 <sup>TH</sup> JANUARY, 2020.

2. The reference of industrial dispute in between the First Party-Company and Second Party – Claimant coming on this 6th day of December, 2019 for final disposal before V. P. Patkar, Presiding Officer, Industrial Disputes Adjudication Tribunal, Daman in the presence of Smt Nilam Patel Advocate for the First Party-Company and Shri Sanjay Patel Advocate for the Second Party-Claimant. The Second Party-Claimant claimed Rs. 9,85,161 regarding leave C.L. and P.L. salary, bonus, gratuity and notice, etc. respectively as the claimant No.1 out of the Second Party-Claimants claimed Rs. 1,32,645, the claimant No. 2 claimed Rs 1,76,703, the claimant No. 3 claimed Rs 1,70,409 who died through his wife, the claimant No. 4 claimed Rs 1,20,057, the claimant No. 5 claimed Rs 1,38,939, the claimant No. 6 claimed Rs. 1,95,585 and claimant No. 7 claimed Rs.50,823 against the First Party – Company.

3. Both the parties settled the dispute and executed settlement agreement Exh.26 and the First Party-Company agreed to Pay amount Rs. 4,95,000 to the Second Party-Claimants respectively which is mentioned before their names in the settlement agreement as the claimant No. 1 out of the Second Party-Claimants, Rs. 75,000, the Claimant No. 2 Rs. 80,000, the claimant No. 3 Rs. 80,000, the claimant No. 4 Rs. 75,000, the claimant No. 5 Rs.75,000, the claimant No. 6 Rs. 80,000 and the claimant No. 7 Rs. 30,000 and the Second party-Claimants agreed to take this amount from the First Party – Company.

4. And in view of settlement agreement the judgment passed on the referred reference and it is ordered and awarded that (1) The claim of Second Party – Claimant is partly allowed with no order as to costs, (2) The First Party – Company is hereby directed to pay amount to the Second Party – Claimants as amount of Rs. 75,000 to the claimant No.1 Arvind Gayakwad, Rs. 80,000 to the Claimant No. 2 Sukar Chodhary, Rs. 80,000 to the claimant No. 3 Gangaram Gavli more particularly to his wife Sudhiben Gavli, Rs. 75,000 to the claimant No. 4 Ganpat Bhoya, Rs. 75,000 to the claimant No. 5 Dhanesh Nikuliya, Rs. 80,000 to the claimant No. 6 Rama Anaju and Rs. 30,000 to the claimant No. 7 Kamlesh Pandu within 30 days from the date of order or award, failing which award amount carry interest @ of 8% per annum from the date of reference till actual realization of the amount. (3) Copy of award be sent to the concerned office for publication of award in the government official gazette as per the provisions of law.

Place : Daman  
Date : 06.12.2019

Sd/-  
**(V. P. Patkar)**  
Presiding Officer  
Industrial Disputes Adjudication Tribunal,  
Daman