

**BEFORE THE AUTHORITY APPOINTED UNDER THE PAYMENT OF
WAGES ACT, 1936, PUDUCHERRY**

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Present: Thiru. R. DJEACOMAR
Authority under the Payment of Wages Act, 1936,
Labour Department Complex, (II Floor),
Vazhudavur Road, Gandhi Nagar,
Puducherry.

Between

P.W.A.NO.5/2015

Thiru. Manoharan & 37 others,
Rep. by K. Vetrivelan,
No.18, 1st Cross Street,
Pattammal Nagar, Mudaliarpet, Puducherry-605 004.

Date: 06.10.2016

... Applicants

Vs

The General Manager,
M/s. Associated Cylinders & Accessories (P) Ltd.,
Thirubuvanai Industrial Estate,
Thirubuvanai, Puducherry.

... Opposite Party

Record of Order or Direction

1. Serial Number : 5/2015
2. Date of Application : 13.02.2015
3. Name or names, parentage,
Address or addresses of the applicants,
or some, or all of the applicants belonging
to the same unpaid group : Thiru. Manoharan & 37 others,
Rep. by K. Vetrivelan,
No.18, 1st Cross Street,
Pattammal Nagar, Mudaliarpet,
Puducherry-605 004.
4. Name and address of the Employer : The General Manager,
M/s. Associated Cylinders &
Accessories (P) Ltd., Thirubuvanai
Industrial Estate, Thirubuvanai,
Puducherry.
5. Amount claimed
(a) As delayed wages : Rs. 23,77,978/-
(b) As deducted from wages : -

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6. Plea of the employer and his Examination (If any)

7. The factual matrix that stood exposed from the claim application filed by the applicant run thus:

The petitioner Thiru. Manoharan & 37 others represented by Thiru. K. Vetrivelan, President of Pondicherry Small Scale Industries Engineering Employees Union, (INTUC), filed a Group application in Form-B, dated 13.2.2015, stating that they had worked with the management of M/s. Associated Cylinders and Accessories Private Limited, Thirubuvanai, Puducherry for the past 30 years and the management has not paid wages for 6 months from August, 2014. They have estimated the value of the relief as sought by them at the sum of Rs. 23,77,978/- and compensation amounting to Rs.7,60,000/- @ Rs.20,000/- for each petitioner. Hence, the petitioners prayed before the Authority under the Payment of Wages Act, 1936 to direct the management for payment of the delayed wages.

8. The crux of the reply of the management is as follows:

The management in their reply letter dated 23.3.2015 has stated that the Associated Cylinders and Accessories Private Limited was incorporated in the year 1983 and registered as a small enterprises operating from 1987 engaged in the manufacture of low pressure vessels, medium and heavy duty fabrications. Further, during the last three years, the company's orders from customers have come down substantially due to existing sources drying up and difficulty in getting new customers and orders due to general economic situation. In October 2014, workers refused to return their customers' materials and therefore the customer has not released any orders after that incident. During the month of November, 2014, the workers went on unauthorized strike which caused lot of hardships for their customer and they are now refusing their requests for further orders. They have also stated that there has been no work since December 16th, 2014 and they are trying to locate new customers and getting orders to run the company. Finally, they have stated that huge loss suffered by the company and the shortage of orders caused extreme hardship for the company. After several months of efforts they took up so far, they are certain that the company can be turned around in the financial year 2016-17.

..3/-

9. **Answering:** Section 3 of the Payment of Wages Act, 1936 casts on the employer the responsibility for payment of wages to persons employed by him. In this context, it is submitted that during the course of enquiry proceedings, the applicants contended that they had worked in the management of M/s. Associated Cylinders Accessories Private Ltd., Thirubuvanai, Puducherry for the past 30 years and they have filed this claim application for non-payment of wages for 6 months from August, 2014 and till date. As the management delayed to pay the wages from the date of filing of this application to till date, it was accumulated to 14 months due. The applicants have also stated that due to non-payment of salary they are unable to run their family and meet out the commitments. Hence, they have requested for orders. On the other hand, the management representative contended that due to huge financial loss and the shortage of orders from the customers, they are unable to pay the wages to the workers. In this regard, it is stated that the claim application filed by the applicants for non-payment of wages is only for 6 months for the period they worked. Therefore, this Authority allows the delayed wages as claimed in the petition dated 13.2.2015.

In view of the above, I hereby direct the opposite party to pay an amount of Rs. 23,77,978/- to the petitioners within 30 days from the date of this order.

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| 8) | Amount awarded | | |
| | (a) Delayed wages | : | Rs. 23,77,978/- |
| | (b) Deducted wages | : | NIL |
| 9) | Compensation awarded | : | NIL |
| 10) | Penalty imposed | : | NIL |
| 11) | Cost awarded to: | | |
| | (a) Court fee charge | : | NIL |
| | (b) Pleader's fee | : | NIL |
| | (c) Witnesses expenses | : | NIL |
| 12) | Date by which the amount
Awarded shall be paid | : | Within one month from the date of this order. |
| 13) | Substance of the evidence | : | - |

Signed :

Dated : 06.10.2016
Sd-

(R. DJEACOMAR)
AUTHORITY APPOINTED UNDER THE
PAYMENT OF WAGES ACT, 1936.