

workperson, Ms. Andrea Fernandes, Correspondent, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas, the Government of Goa considers it expedient to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Labour Court-II of Goa at Panaji-Goa, constituted under Section 7(1) or the said Act.

SCHEDULE

"(1) Whether, Ms. Andrea Fernandes, Correspondent, could be construed as "Workman" as defined under the Industrial Disputes Act, 1947 (Central Act 14 of 1947)?

(2) If answer to issue No. (1) above, is in affirmative, then, whether the action of the management of M/s. Herald Publications Private Limited, Campal Trade Centre, Panaji, Goa, in terminating the services of Ms. Andrea Fernandes, with effect from 22-11-2019 is legal and justified?

(3) If answer to issue No. (2) above is negative, which relief the workperson is entitled to?"

By order and in the name of the Governor of Goa.

Amalia O. F. Pinto, Under Secretary (Labour).

Porvorim, 20th May, 2021.

Order

No. 28/11/2021-LAB/243

Whereas, the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Tevapharm India Private Limited, Plot A-1, Phase 1-A, Verna Industrial Estate, Verna, Goa, and its workmen represented by The Bhartiya Kamgar Sena, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas, the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now therefore, in exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said

Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa constituted under Section 7 A of the said Act.

SCHEDULE

"(A) (1) Whether the transfer of S/Shri Yosobanta Maharane and Yogesh Pednekar from packaging section to production section by the management of M/s. Tevapharm India Private Limited, Plot A-1, Phase 1-A, Verna Industrial Estate, Verna-Goa, amounts to change in service conditions?

(2) If answer to above is in affirmative, then, to what relief the workmen are entitled?"

"(B) (1) Whether the action of the management of M/s. Tevapharm India Private Limited, Plot A-1, Phase 1-A, Verna Industrial Estate, Verna-Goa, in deducting earned wages of the workmen S/Shri Yosobanta Maharane and Yogesh Pednekar as mentioned in the Annexure hereto, is legal and justified?

(2) If answer to issue No. (B) (1) above is in negative, then to what relief the workmen are entitled?"

By order and in the name of the Governor of Goa.

Amalia O. F. Pinto, Under Secretary (Labour).

Porvorim, 24th May, 2021.

ANNEXURE

Sr. No.	Name of the workmen	Designation	Wage period	Amount deducted
(1)	Shri Yosobanta Maharane	Operator	3 days for the month of August, 2019 6 days for the month of September, 2019	Rs. 3,975/- Rs. 7,950/-
(2)	Shri Yogesh Pednekar	Operator	3 days for the month of August, 2019 6 days for the month of September, 2019	Rs. 3,287/- Rs. 6,794/-

Notification

No. 28/2/2021-LAB/230

The following Award passed by the Labour Court-II, at Panaji-Goa on 26-04-2021 in Case No. LC-II/R-IT/04/2021, is hereby published as

required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Amalia O. F. Pinto, Under Secretary (Labour).

Porvorim, 11th May, 2021.

THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before **Shri Suresh N. Narulkar**, Hon'ble
Presiding Officer)

Case No. LC-II/R-IT/04/2021

Shri Damodar Mangueshkar,
represented by Cidade-de-Goa Hotel
Employment Union,
Vainguinim Beach
Dona Paula-Goa ... Workman/Party I
V/s

1. M/s. Cidade de Goa
Vainguinim Beach,
Dona Paula-Goa ... Employer/Party II (1)

2. M/s. Fomento Resorts
Pvt. Ltd.
Vainguinim Beach,
Dona Paula-Goa ... Employer/Party II (2)
Party I/Workman represented by Adv. Shri S.
Gaonkar.

Party II/Employer - Represented by Adv. Shri G. K.
Sardessai.

Panaji, Dated: 26-04-2021.

AWARD

1. In Exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by Order dated 23-01-2007 bearing No. 28/15/2006-LAB/75 referred the following dispute for adjudication to Labour Court II of Goa at Panaji, Goa.

(1) *“Whether the action of the Management of M/s Cidade de Goa, Unit of M/s Fomento Resorts & Hotels Limited, Dona Paula, Goa, in deducting a sum of Rs. 2000/- per month from the earned wages of Shri Damodar Mangueshkar, Employee No. 1173, with effect from May, 2005, is legal and justified?”*

(2) *If not, to what relief the Workman is entitled?*

2. On receipt of the reference, a case was registered under No. IT/92/07 and registered A/D

notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. This Hon'ble Court adjudicated the reference and passed an award dated 26-05-2010 after hearing both parties. The Workman challenged the said award before the Hon'ble High Court of Bombay at Goa and it bears Writ Petition No. 804/2010. The Hon'ble High Court of Bombay at Goa bench, disposed off the said petition filed by the Workman, vide its judgment dated 05-02-2020 and remanded back the reference and directed to disposed off the said reference as expeditiously as possible and in any case within three months from the date of filing of the authenticated copy of the said judgment and order.

3. The Party-I (for short 'Workman'), filed his Statement of Claim on 11-12-2007 at Exhibit-3. The facts of the case in brief as pleaded by the Workman are that the Employer/Party-II (for short "Employer") is a Hotel Industry. He stated that he was initially employed as 'Clerk' by Hotel Cidade-de-Goa, a unit of Party-II(2) w. e. f. 10-11-1984. He stated that his services were confirmed, vide letter dated 10-11-1985. He stated that since his joining, he was doing the work of clerks, though he was designated as 'Accounts Supervisor'. He stated that the work was assigned to him daily by his superior and as per his instructions, he was doing the work. He stated that he was not the sanctioning authority of any leave of any of the workmen working in his Department. He stated that since the commencement of the hotel, he was continuously working in the hotel without any break in service.

4. He stated that he was issued a show cause notice dated 25-04-2005 stating that a financial loss of Rs. 39,508/- was caused due to him. He stated that he had submitted his reply to the aforesaid show cause notice, vide his reply dated 27-04-2005 and stated that he has carried out his work as per the guidelines and directions from the superiors. He stated that in his aforesaid reply dated 27-04-2005, he has given the details about the procedure followed by the Hotel. He stated that as per the instructions, the Management set the plan of billing and accordingly the billing was done. He stated that inspite of a proper reply, the Employer commenced illegal deductions from his wages w. e. f. May 2005, since he is an office bearer of the Union. He stated that he made another representation through his Union vide Union's letter dated 27-07-2005 against the said illegal deduction. He stated that no reply was received from the Management about the illegal deductions and failed to refund the illegally deducted amount from his earned wages. He stated that the Union had no option left, but to