

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.26796 to 26801 of 2010

&

M.P.Nos.1 of 2010 (6 Nos.)

W.P.No.26796 of 2010

1.The Divisional Forest Officer,
Rural Fuel Wood Division,
Thiruppathur.

2.The Conservator of Forests,
Fort, Vellore - 632 004.

...Petitioners in all W.Ps

Vs..

K.Mathiyazhagan

...1st Respondent in W.P.No.26796/2010

G. Rajamani

...1st Respondent in W.P.No.26797/2010

K. Ramu

...1st Respondent in W.P.No.26798/2010

P. Gnanasekaran

...1st Respondent in W.P.No.26799/2010

T. Malliga

...1st Respondent in W.P.No.26800/2010

R. Poongol

...1st Respondent in W.P.No.26801/2010

2.The Presiding Officer,
Principal Labour Court,
Vellore, Vellore District.

...2nd Respondent in all W.Ps

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the second respondent I.D.No.248, 251, 250, 252, 253, 254 of 2008 dated 05.04.2010 and quash the same.

For Petitioner : Ms.Thanga Vadhana Balakrishnan
AGP (in all WPs)

For Respondents : Mr.S.T.Varadarajulu
(for first respondent)
(in all WPs)

COMMON ORDER

The common award dated 05.04.2010 passed in I.D.Nos.127 to 161 of 2007 and 248 of 2008 and 250 to 255/2008 are under challenge in the present writ petition.

2.The writ petitioners are the Divisional Forest Officer, Rural Fuel Wood Division and the Conservator of Forests. The award was passed holding that the termination of the first respondent was illegal and accordingly ordered for reinstatement with 50% backwages and attendant benefits. The learned counsel appearing for the first respondent made a submission that the writ petition filed by the Forest Department in respect of the common award on the same issue was dismissed by this Court on 08.08.2011 in the case of the Chief Conservator of Forests & others Vs. P.Subramaniam & others in W.P.Nos.24601 to 24606 of 2005 etc batch., this Court passed an order as extracted hereunder;

"25.In these batch of writ petitions, the challenge is to the Award passed by the Labour Court, Vellore by a common Award, dated 05.04.2010 in I.D.Nos.127 to 161 of 2007, 248 of 2008, 250 to 255 of 2008.

26.In these writ petitions, the contesting respondents have raised a dispute under Section 2A (2) of the Industrial Disputes Act, 1947 before the Government Labour Officer, Vellore. The Conciliation Officer gave notices to the petitioners. As he could not bring about any conciliation, he gave a failure report, dated 15.3.2007. On the strength of the said failure report, each of the contesting respondents filed individual claim statements before the Labour Court. The Labour Court took up those disputes and assigned various I.D numbers, i.e., I.D.Nos.127 to 161 of 2007, 248 of 2008, 250 to 255 of 2008 and had issued notices to the petitioners. Before the Labour Court, the respondents were the Divisional Forest Officer, Interface Forestry division, Thiruvannamalai and the Conservator of Forests, Fort, Vellore.

27.On getting notices from the Labour Court, the Divisional Forest Officer had filed counter statements dated Nil, which was also adopted by the Conservator of Forest in all the disputes. The Labour court on the basis of a joint memo filed by both sides, had ordered for a joint trial vide order dated 22.10.2009. The Labour court had framed two issues, i.e. Whether there was illegal

termination of services of the workmen and if so, to what relief they were entitled to?

28. Common evidence was let-in in I.D.No.143 of 2007 (W.P.No.25055/2010, G.Masilamani). Before the Labour Court, on the side of the workmen, two witnesses were examined, i.e. Masilamani (first respondent in W.P.No.25055 of 2010) and G.Natesan (first respondent in W.P.No.24040 of 2010), as W.W.1 and W.W.2. On the side of the workmen, 11 documents were filed and marked as Exs.W.1 to W.11. On the side of the petitioner department, three witnesses were examined (M/s.K.M.Nagarajan, S.Sivakumar and A.B.Jayaseelan) as M.W.1 to M.W.3. On their side, 4 documents were filed and marked as Exs.M.1 to M.4. The Labour court on an analyse of evidence (both oral and documentary), came to the conclusion that termination of contesting respondents were illegal and accordingly answered the first issue. In respect of the second issue, it had held that they are entitled for reinstatement with continuity of service, but with 50% of backwages and other attendant benefits.

29. The following tabular column will show the number of the writ petition, names of the workmen concerned and the corresponding industrial dispute numbers, the relief granted and interim order if any.

Sl.No.	W.P.No.	1st Respondent Name	I.D.No.	Award	Interim order if any
24030	/2010	E.Subramani	I.D.127/2007,	dt.05.04.2010	Reinstatement with continuity of service, but with 50% backwages and all other attendant benefits
24031	/2010	K.Anbalagan	I.D.131 of 2007,	dt.05.04.2010	Award insofar as the payment of backwages alone is stayed and a direction to pay wages under Section 17B of the ID Act vide order dt.03.12.2010.
24032	/2010	A.Subramani, S/o.Annamalai Gounder, Mosavadi Post.	I.D.128 of 2007,	dt.05.04.2010	
24033	/2010	A.Subramani, S/o.Annamalai, Thenmathur village and post	I.D.135 of 2007,	dt.05.04.2010	
24034	/2010	I.Narasimman	I.D.130 of 2007,	dt.05.04.2010	
24035	/2010	K.Kannairam	I.D.134 of 2007,	dt.05.04.2010	
24036	/2010	C.Narayanaswamy	I.D.129 of 2007	dt.05.04.2010	
24037	/2010	A.Krishnan	I.D.136/2007,	dt.05.04.2010	
24038	/2010	M.Mani	I.D.132/2007,	dt.05.04.2010	
24039	/2010	P.Subramani	I.D.133/2007,	dt.05.04.2010	
24040	/2010	G.Natesan	I.D.139/2007,	dt.05.04.2010	
24041	/2010	S.Elumalai	I.D.142/2007,	dt.05.04.2010	
24042	/2010	E.Kanniappan	I.D.141/2007,	dt.05.04.2010	

24043/2010 G.Sunder I.D.255/2008, dt.05.04.2010
 24044/2010 T.K.Elumalai I.D.140/2007,
 dt.05.04.2010 24045/2010 R.Radhakrishnan
 I.D.137/2007, dt.05.04.2010 24046/2010
 M.Vediyappan I.D.138/2007, dt.05.04.2010
 25055/2010 G.Masilamani I.D.143/2007,
 dt.05.04.2010 Award insofar as the payment of
 backwages alone is stayed 25056/2010 N.Kuppusamy
 I.D.153/2007, dt.05.04.2010 25057/2010
 C.Dhakshnamoorthy I.D.154/2007, dt.05.04.2010
 25058/2010 G.V.Mani I.D.155/2007, dt.05.04.2010
 25059/2010 E.Perumal I.D.156/2007, dt.05.04.2010
 25060/2010 V.Arumugam I.D.157/2007, dt.05.04.2010
 25061/2010 C.Thangavel I.D.158/2007, dt.05.04.2010
 25062/2010 G.Nagan I.D.159/2007, dt.05.04.2010
 25063/2010 G.Anniyappan I.D.160/2007,
 dt.05.04.2010 25064/2010 D.Arumugam I.D.161/2007,
 dt.05.04.2010 25065/2010 M.Punniyakotti
 I.D.144/2007, dt.05.04.2010 25066/2010
 N.Ramamoorthy I.D.145/2007, dt.05.04.2010
 25067/2010 A.Kasi I.D.146/2007, dt.05.04.2010
 25068/2010 A.Neelagandan I.D.147/2007,
 dt.05.04.2010 25069/2010 A.Kotteswaran
 I.D.148/2007, dt.05.04.2010 -do- -do- 25070/2010
 A.Boopalan I.D.149/2007, dt.05.04.2010 25071/2010
 P.Bannet Davit I.D.150/2007, dt.05.04.2010
 25072/2010 C.Chakkarai I.D.151/2007, dt.05.04.2010
 25073/2010 S.Jayaraman I.D.152/2007, dt.05.04.2010

30.The contentions raised by the petitioners were that their department is a department under the Government of Tamil Nadu and they are exercising sovereign functions of the State. The contesting respondents had worked in the department as daily wagers depending upon the work available. If there is no work, their services will not be utilized. The services of the workmen will also be utilized by the village panchayat under the Swedish International Development Authority (SIDA) Scheme implemented by the Forest Department. The scheme was closed and that the works of the first respondent workmen were no longer available. The department was disbanded and handed over to the Rural Development Department by G.O.Ms.No.592, Environment and Forest Department, dated 16.02.1989. The contesting respondents did not join in the District Rural Development Agency (DRDA) due to restrictions and conditions and also due to wage difference in the year 1989. Though the alleged non employment had taken place in the year 1989, they had raised disputes only in the

year 2007 with a delay of 18 years. The delay was not properly explained and there was no sufficient reason.

31. When the posts of Plot Watchers and Social Forestry Workers were disbanded from the department of Forest, the claim of the contesting respondents seeking relief against the Forest Department is not maintainable. The contesting respondents had also joined the Rural Development Department as per the Government Order in G.O.Ms.No.592, Environment and Forest Department, dated 16.8.1989 and G.O.Ms.No.600, Rural Development Department, dated 23.7.1990. It is only after the pronouncement of the Awards, the contesting respondents had submitted their applications claiming for creation of supernumerary posts of plot watchers as per G.O.Ms.No.95, Environment and Forest Department, dated 7.8.2009. Their claim was that they had served both in the forest and rural development department for more than 10 years and therefore, they were eligible for absorption. It only shows that the contesting respondents workmen had wantonly waited for over 18 years since the records will be destroyed by the department periodically and the department will not be in a position to defend their case. Therefore, it was prayed that all the Awards should be set aside.

32. However, the stand of the workmen was that they were initially appointed by the Forest Department. Subsequently, a policy decision was taken by the Government, by which the income drawn from the Social forestry and other fruit farms will have to be shared between the respective panchayat unions and the Government on the basis of 40 : 60 ratio. Therefore, it was decided to hand over the Social Forestry Workers under the Social Forestry Scheme to the respective panchayat unions. Hence, G.O.Ms.No.592, Environment and Forest Department dated 16.2.1989 was issued. The workers were relieved from the services pursuant to the said G.O. Subsequently, when they went for work to the panchayat union, the panchayat union had refused to admit them. This fact was intimated by the Commissioner for Rural Development vide his letter, dated 27.9.1989 to the Forest Department. But, however, some workers alone were admitted for employment by the Panchayat Unions. Because of the opposition, the Forest Department did not send out all the forest workers and had retained them in

service. G.O.Ms.No.64, Environment and Forest Department, dated 6.3.1999 came to be issued by the Government pursuant to the workmen moving Tribunal obtaining interim orders restraining the department from filling up the posts through direct recruitment.

33. In view of the pendency of the proceedings and the stay orders, no posts could be filled up. Therefore, the Government after considering the fact that number of years the Social Forestry Workers and Plot Watchers are working, had issued G.O.Ms.No.64, Environment and Forest Department, dated 6.3.99. In that order, the Government had cancelled G.O.Ms.No.332, Environment and Forest Department, dated 22.12.1994 and G.O.Ms.No.297, Environment and Forest Department, dated 28.11.1994. By the said G.O., the direction to fill up the post of Foresters with SSLC qualification was cancelled. Further, a direction to prepare a list of daily wage social forestry workers and plot watchers on a Statewide basis by the Chief Conservator of Forests. It was also stated that in the said seniority list, those who are able to read and write Tamil, will be appointed to the post of social forestry workers and plot watchers and Malis in the existing vacancies as well as in future vacancies. For that purpose, appropriate relaxation from the recruitment rules will be granted. Notwithstanding the said G.O., since they were not employed, after waiting for several years and after sending several representations with the help of their union, they had raised the disputes.

34. Resisting their claim, it was argued by the department that when the workmen's services were sent to the village panchayat under the SIDA Scheme, the workmen did not agree to work under them. While it was agreed that they will be paid Rs.420/- per month on consolidated basis subject to calculation of number of working days, but the District Rural Development Agency had offered to pay Rs.300/- per month on consolidated basis subject to calculation of number of working days. Therefore, the DRDA had refused to accept the temporary workers sent to them. Even under the Statewide seniority list, they were not higher enough in the seniority. Since their services were handed over to the Rural Development Department, which had not returned them to the forest department, they cannot claim any relief including

reinstatement and backwages. Under these circumstances, they had requested the labour court to dismiss the I.Ds.

35. However, the Labour Court in paragraph 15 of the impugned Award had recorded the following findings of facts: (i) The workmen were employed by the Forest Department. (ii) In 1989, they were deployed to the village panchayats. (iii) The village panchayats refused to give them work. (iv) Some workers went before the Labour Court and some before the State Administrative Tribunal. (v) The Labour Court, Cuddalore by its Award in I.D.No.81/1992, dated 23.4.1993 (marked as Ex.W.7) granted reinstatement. Similar reinstatement was also given by the Labour Court, Vellore. (vi) The State Government had issued Government Order directing reinstatement of displaced workers as Forest Watchers, Bangalow Guards, Maalis, Watchmen and Drivers. (vii) Despite directions, the workers were not reinstated. (viii) As per Exs.W.5 and W.11 and W.4 and W.10, the Chief Conservator of Forest directed the Divisional Forest Officers to grant reinstatement. (ix) While reinstating, the seniority list prepared was not strictly followed.

36. Thereafter, the Labour court held that as per Ex.W.3, a copy of G.O.Ms.No.65, dated 8.3.1999, the State Government had directed to prepare a Statewide seniority list and grant employment to those displaced employees. As per Ex.W.4, a letter written by the Secretary to the Government, dated 14.12.2004, wherein it was stated that the Chief Conservator of Forest was directed to adhere to the State level seniority list while giving employment to the Social Forestry workers and Plot watchers. As per Ex.W.5, the Chief Conservator of Forest by letter dated 28.12.2004 had in turn directed to grant employment if the name is found in the Statewide seniority list. This should cover even the workers who were deployed to the Rural Development Department and were not given employment.

37. Further, by G.O.Ms.No.95, Environment and Forest Department dated 7.8.2009, a direction was given for the reinstatement of workers. There were also individual cases where certain directions were given by the Government which were implemented pursuant to the further direction given by this Court. It was further pointed out that in a letter written by the Chief Conservator of Forest, out of 5497 persons, who were in the

Statewide seniority list, 3058 persons were yet to be given permanent employment. It was also stated that those who are having height above 163 c.m. will be given job of Forest Watchers and that there are about 1743 persons in that category. Those who are below 163 c.m. height and who are numbering about 1315 will be given post of Maalis and Office Assistants. This proposal was still pending with the Government and repeated assurances were given that the workers will be taken into service. It is under these circumstances, the Labour Court held that the Government order will speak for themselves and they are binding on the parties. Hence it had held that the termination of workers was illegal.

38. In the light of these rival contentions, it has to be seen whether the contentions raised by the petitioners merits acceptance?

39. The fact that the workmen were assigned to Rural Development Department and that the Rural Development Department did not employ them was not denied though there were two different perceptions on the said issue. But in the counter statement filed by the petitioners before the Labour Court, in paragraph 8, it was stated as follows: "8. This Respondent submits that the Petitioner is Temporary daily basis worker and the work is conducted in the Village Panchayat Lake under the "SIDA Scheme" implemented by the Forest Department and the said "SIDA Scheme" has been closed and the workers who were worked in the specific 'SIDA Scheme' were transferred to the District Rural Development Agency (DRDA) under G.O.No.592 Environment and Forestry (Forest-6) dated 16.02.1989 under the same temporary daily basis works. This respondent submits that the petitioner herein not joined in the District Rural Development Agency (DRDA) as temporary daily basis worker, due to the restrictions and conditions framed by the DRDA and DRDA not accepted the workers under the wage difference. The petitioner was given Rs.420/- per month under consolidated subject to calculation of the workers working days but the DRDA offered to pay only Rs.300/- per month consolidated subject to calculation of the workers working days. In this circumstances the DRDA has refused to accept the temporary workers in which the petitioner is one among them...."

40. If workmen were employed and their services were no longer required by the employer

and it was transferred to an another employer, then unless and until their employment is continued on the same terms and conditions by the new employer, there is no obligation for the workmen to go for a new employer. In such circumstance, the old employer will have to retrench such unwilling workers by following the procedure under Section 25F of the I.D. Act and must pay retrenchment compensation. This is the essence of Section 25FF A of the ID Act. In the present circumstances, the petitioners cannot leave the workmen in lurch by stating that they should get employment with Rural Development Department and they were no way responsible about the happenings in the Rural development Department after all the Government is the same entity and for the sake of convenience, it is functioning under two different ministries and departments. Therefore, the fact that the workmen's services were deemed to have been terminated by the petitioners department has to be accepted without any contradiction.

41. On the same issue, it is necessary to extract the findings recorded by the labour court as found in paragraph 14 of the impugned order, which reads as follows: "14. Even though the respondents examined 3 witnesses, the substance of evidence of all the three witnesses who came from each of the three Forest Divisions were the same. Though all the witnesses admitted employment of the petitioners, they all stated that since the petitioners had been transferred to the Panchayat Unions, the Forest Department was not responsible for their subsequent employment or non-employment. However all the witnesses also admitted that the Government of Tamil Nadu had issued Government Orders directing reinstatement of the petitioners according to seniority list. Further they also stated that seniority list has not been strictly followed while reinstating some of the workers."

42. If their services were deemed to have been terminated, whether the department had followed the procedure under law has to be answered. In paragraph 16, the Labour Court had recorded as follows: '16. The learned Government Pleader in his written arguments submitted that the petitioners were only daily wages workers and they cannot claim reinstatement as a matter of right. However the period of service of the petitioners had not been denied by the respondents. It is seen that

the petitioners had put in more than 5 years of continuous service. Continuing their service for such a long period as daily wage workers is itself an unfair of labour practice. Further, even though reinstatement had been directed by the Government they were not given reinstatement."

43. Therefore, in the light of these facts, it must be held that the workmen were terminated from their services and the condition precedent under Section 25F of the I.D. Act was not followed before sending them out of services. If the condition under Section 25F was not followed, the legal consequences have been set out by the Supreme Court vide judgment in Anoop Sharma v. Executive Engineer, Public Health Division No. 1, Panipat (Haryana) reported in (2010) 5 SCC 497. In paragraphs 16 to 22, it was observed as follows: "16. An analysis of the above reproduced provisions shows that no workman employed in any industry who has been in continuous service for not less than one year under an employer can be retrenched by that employer until the conditions enumerated in clauses (a) and (b) of Section 25-F of the Act are satisfied. In terms of clause (a), the employer is required to give to the workman one month's notice in writing indicating the reasons for retrenchment or pay him wages in lieu of the notice. Clause (b) casts a duty upon the employer to pay to the workman at the time of retrenchment, compensation equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months. 17. This Court has repeatedly held that Sections 25-F(a) and (b) of the Act are mandatory and non-compliance therewith renders the retrenchment of an employee nullity State of Bombay v. Hospital Mazdoor Sabha¹⁴, Bombay Union of Journalists v. State of Bombay¹⁵, SBI v. N. Sundara Money¹⁶, Santosh Gupta v. State Bank of Patiala¹⁷, Mohan Lal v. Bharat Electronics Ltd.¹⁸, L. Robert D'Souza v. Southern Railway¹⁹, Surendra Kumar Verma v. Central Govt. Industrial Tribunal-cum-Labour Court²⁰, Gammon India Ltd. v. Niranjan Dass²¹, Gurmail Singh v. State of Punjab²² and Pramod Jha v. State of Bihar²³. 18. This Court has used different expressions for describing the consequence of terminating a workman's service/employment/engagement by way of retrenchment without complying with the mandate of Section 25-F of the Act. Sometimes it has been

termed as ab initio void, sometimes as illegal per se, sometimes as nullity and sometimes as non est. Leaving aside the legal semantics, we have no hesitation to hold that termination of service of an employee by way of retrenchment without complying with the requirement of giving one month's notice or pay in lieu thereof and compensation in terms of Sections 25-F(a) and (b) has the effect of rendering the action of the employer as nullity and the employee is entitled to continue in employment as if his service was not terminated. 19. The question whether the offer to pay wages in lieu of one month's notice and retrenchment compensation in terms of clauses (a) and (b) of Section 25-F must accompany the letter of termination of service by way of retrenchment or is it sufficient that the employer should make a tangible offer to pay the amount of wages and compensation to the workman before he is asked to go was considered in National Iron and Steel Co. Ltd. v. State of W.B.²⁴ The facts of that case were that the workman was given notice dated 15-11-1958 for termination of his service with effect from 17-11-1958. In the notice, it was mentioned that the workman would get one month's wages in lieu of notice and he was asked to collect his dues from the cash office on 20-11-1958 or thereafter during the working hours. The argument of the Additional Solicitor General that there was sufficient compliance with Section 25-F was rejected by this Court by making the following observations: (AIR p. 1210, para 9) 9. The third point raised by the Additional Solicitor General is also not one of substance. According to him, retrenchment could only be struck down if it was mala fide or if it was shown that there was victimisation of the workman, etc. Learned counsel further argued that the Tribunal had gone wrong in holding that the retrenchment was illegal as Section 25-F of the Industrial Disputes Act had not been complied with. Under that section, a workman employed in any industry should not be retrenched until he had been given one month's notice in writing indicating the reasons for retrenchment and the period of notice had expired, or the workman had been paid in lieu of such notice, wages for the period of the notice. The notice in this case bears the date 15-11-1958. It is to the effect that the addressee's services were terminated with effect from 17th November and

that he would get one month's wages in lieu of notice of termination of his service. The workman was further asked to collect his dues from the cash office on 20-11-1958 or thereafter during the working hours. Manifestly, Section 25-F had not been complied with under which it was incumbent on the employer to pay the workman, the wages for the period of the notice in lieu of the notice. That is to say, if he was asked to go forthwith he had to be paid at the time when he was asked to go and could not be asked to collect his dues afterwards. As there was no compliance with Section 25-F, we need not consider the other points raised by the learned counsel. 20. In SBI v. N. Sundara Money¹⁶ the Court emphasised that the workman cannot be retrenched without payment, at the time of retrenchment, compensation computed in terms of Section 25-F(b). 21. The legal position has been beautifully summed up in Pramod Jha v. State of Bihar²³ in the following words: (SCC pp. 624-25, para 10) "20. The underlying object of Section 25-F is twofold. Firstly, a retrenched employee must have one month's time available at his disposal to search for alternate employment, and so, either he should be given one month's notice of the proposed termination or he should be paid wages for the notice period. Secondly, the workman must be paid retrenchment compensation at the time of retrenchment, or before, so that once having been retrenched there should be no need for him to go to his employer demanding retrenchment compensation and the compensation so paid is not only a reward earned for his previous services rendered to the employer but is also a sustenance to the worker for the period which may be spent in searching for another employment. Section 25-F nowhere speaks of the retrenchment compensation being paid or tendered to the worker along with one month's notice; on the contrary, clause (b) expressly provides for the payment of compensation being made at the time of retrenchment and by implication it would be permissible to pay the same before retrenchment. Payment or tender of compensation after the time when the retrenchment has taken effect would vitiate the retrenchment and non-compliance with the mandatory provision which has a beneficial purpose and a public policy behind it would result in nullifying the retrenchment. (emphasis in original) 22. If the workman is retrenched by an oral order or

communication or he is simply asked not to come for duty, the employer will be required to lead tangible and substantive evidence to prove compliance with clauses (a) and (b) of Section 25-F of the Act.

44. The Supreme Court while dealing with the power of this Court to review the Award, laid down parameters to be kept in mind vide its judgment in *Harjinder Singh v. Punjab State Warehousing Corporation* reported in (2010) 3 SCC 192. In paragraphs 21, 23, 24 and 31, the Supreme Court had observed as follows: "21. Before concluding, we consider it necessary to observe that while exercising jurisdiction under Articles 226 and/or 227 of the Constitution in matters like the present one, the High Courts are duty-bound to keep in mind that the Industrial Disputes Act and other similar legislative instruments are social welfare legislations and the same are required to be interpreted keeping in view the goals set out in the Preamble of the Constitution and the provisions contained in Part IV thereof in general and Articles 38, 39(a) to (e), 43 and 43-A in particular, which mandate that the State should secure a social order for the promotion of welfare of the people, ensure equality between men and women and equitable distribution of material resources of the community to subserve the common good and also ensure that the workers get their dues. More than 41 years ago, Gajendragadkar, J. opined that: "20. The concept of social and economic justice is a living concept of revolutionary import; it gives sustenance to the rule of law and meaning and significance to the ideal of welfare State. (*State of Mysore v. Workers of Gold Mines*¹³, AIR p. 928, para 10.) 23. The Preamble and various articles contained in Part IV of the Constitution promote social justice so that life of every individual becomes meaningful and he is able to live with human dignity. The concept of social justice engrafted in the Constitution consists of diverse principles essentially for the orderly growth and development of personality of every citizen. Social justice is thus an integral part of justice in the generic sense. Justice is the genus, of which social justice is one of its species. Social justice is a dynamic devise to mitigate the sufferings of the poor, weak, Dalits, tribals and deprived sections of the society and to elevate them to the level of

equality to live a life with dignity of person. In other words, the aim of social justice is to attain substantial degree of social, economic and political equality, which is the legitimate expectation of every section of the society. 24. In a developing society like ours which is full of unbridgeable and ever widening gaps of inequality in status and of opportunity, law is a catalyst to reach the ladder of justice. The philosophy of welfare State and social justice is amply reflected in large number of judgments of this Court, various High Courts, National and State Industrial Tribunals involving interpretation of the provisions of the Industrial Disputes Act, Factories Act, 1948; Payment of Wages Act, 1936; Minimum Wages Act, 1948; Payment of Bonus Act, 1965; Workmen's Compensation Act, 1923; Employees' State Insurance Act, 1948; Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and Shops and Commercial Establishments Act enacted by different States. 31. It need no emphasis that if a man is deprived of his livelihood, he is deprived of all his fundamental and constitutional rights and for him the goal of social and economic justice, equality of status and of opportunity, the freedoms enshrined in the Constitution remain illusory. Therefore, the approach of the courts must be compatible with the constitutional philosophy of which the directive principles of State policy constitute an integral part and justice due to the workman should not be denied by entertaining the specious and untenable grounds put forward by the employer public or private."

45.1. The learned Special Government Pleader contended that the Social Forest Project had undertaken by the Forest Department cannot be brought within the definition of the term "industry" under Section 2(j) of the I.D. Act as the Forest Department is a part of the Government of Tamil Nadu. Though this issue was raised in paragraph 5 of the counter affidavit in the industrial dispute, the Tribunal did not consider the same in the impugned Award. No doubt it is true that there was no specific finding by the Labour court on the said issue, but the labour court on the assumption that the earlier award passed by the labour court had been implemented by the State Government must have thought not to render any specific finding. The petitioner once again had raised the very same issue in the

affidavits filed in support of the writ petitions. In paragraph 2, they have contended that the department of Forest is a part of the Government of Tamil Nadu exercising sovereign function and therefore, the dispute was not maintainable. But additionally, in ground No.7F, they have stated that the project is not run on any profit basis and hence the dispute was not maintainable. 45.2. This court is unable to accept the contentions raised by the learned Special Government Pleader. First of all, it is not clear as to whether this issue was seriously argued before the Labour Court. In any event, it must be noted that in Chief Conservator of Forests v. Jagannath Maruti Kondhare reported in (1996) 2 SCC 293, the Supreme Court dealt with the scope of sovereign function of the Department of Forest and yet held that the Social Forestry work undertaken by the department will come within the term "industry" defined under Section 2(j) of the I.D. Act. In paragraphs 12, 16 and 17, it was observed as follows: "12. We may not go by the labels. Let us reach the hub. And the same is that the dichotomy of sovereign and non-sovereign functions does not really exist it would all depend on the nature of the power and manner of its exercise, as observed in para 23 of Nagendra Rao case⁷. As per the decision in this case, one of the tests to determine whether the executive function is sovereign in nature is to find out whether the State is answerable for such action in courts of law. It was stated by Sahai, J. that acts like defence of the country, raising armed forces and maintaining it, making peace or war, foreign affairs, power to acquire and retain territory, are functions which are indicative of external sovereignty and are political in nature. They are, therefore, not amenable to the jurisdiction of ordinary civil court inasmuch as the State is immune from being sued in such matters. But then, according to this decision the immunity ends there. It was then observed that in a welfare State, functions of the State are not only the defence of the country or administration of justice or maintaining law and order but extends to regulating and controlling the activities of people in almost every sphere, educational, commercial, social, economic, political and even marital. Because of this the demarcating line between sovereign and non-sovereign powers has

largely disappeared. 16. The aforesaid being the crux of the scheme to implement which some of the respondents were employed, we are of the view that the same cannot be regarded as a part of inalienable or inescapable function of the State for the reason that the scheme was intended even to fulfil the recreational and educational aspirations of the people. We are in no doubt that such a work could well be undertaken by an agency which is not required to be even an instrumentality of the State. 17. This being the position, we hold that the aforesaid scheme undertaken by the Forest Department cannot be regarded as a part of the sovereign function of the State, and so, it was open to the respondents to invoke the provisions of the State Act. We would say the same qua the social foresting work undertaken in Ahmednagar District. There was, therefore, no threshold bar in knocking the door of the Industrial Courts by the respondents making a grievance about adoption of unfair labour practice by the appellants." 45.3. However, when a similar matter came up subsequently, the Supreme Court did not disagree with the reasoning made in the earlier judgment of the Supreme Court, but distinguished the same on the facts of the case. That judgment was in State of Gujarat v. Pratamsingh Narsinh Parmar reported in (2001) 9 SCC 713 . The reference made to Jagannath Maruti Kondhare's case (cited supra) can be seen in paragraph 6, which is as follows: "6. The learned Single Judge as well as the Division Bench of the High Court have failed to carefully examine the ratio of this Court's judgment in Jagannath Maruti Kondhare case² inasmuch as in para 15 of the said judgment, the Court has quoted the assertions made in the affidavit of the Chief Conservator of Forests and then in para 17, the Court held that the scheme undertaken cannot be regarded as a part of the sovereign function of the State. We are afraid that the aforesaid decision cannot have any application to the facts of the present case where there has not been any assertion of fact by the petitioner in establishing that the establishment to which he had been appointed is an industry. In this view of the matter, we have no hesitation to come to the conclusion that the learned Single Judge as well as the Division Bench committed serious error of law in holding that to the appointment in question, the provisions of the Act

apply...." 45.4. Thereafter, when the Social Forestry department's case relating to Uttar Pradesh came up before the Supreme Court, a Constitution Bench of the Supreme Court after referring to the earlier two cases in Jagannath Maruti Kondhare's case (cited supra) and Pratamsingh Narsingh Parmar's case (cited supra) had doubted the ratio of the Bangalore Water Supply & Sewerage Board's case delivered by the seven Judges in State of U.P. v. Jai Bir Singh reported in (2005) 5 SCC 1. They had also referred the said issue to the Chief Justice for constituting a suitable larger bench. Though this request for reference was made as early as in the year 2005, in the last six years no such reference has been made by successive Chief Justices. Therefore, until such time, Bangalore Water Supply case is reversed, the court will have to go by the earlier precedent laid by the Supreme Court. Further as noted in the Constitutional Bench case in Jai Bir Singh's case (cited supra) the Parliament itself had amended Section 2(j) to give effect to the Bangalore Water Supply case. But that provision is yet to be brought into force. 45.5. But, in the present case, one need not wait for the outcome of the judgment of the Supreme Court on the reference to a Larger Bench. The State of Tamil Nadu itself by a notification made under Section 2(g) of the Minimum Wages Act, 1945 had introduced employment in the Forest department to the Schedule to the Minimum Wages Act. The said notification issued by G.O.Ms.No.2094, Labour and Employment Department, dated 6.9.1980 reads as follows: Employment in forestry including silviculture that is to say aligning, and stacking, surveying and demarcation of forest lands, digging pits for planting transport of seedlings and other planting materials, planting, weeding, tending, soil working, ploughing, fencing, application of fertilizers and pesticides, timber and logging operation, raising of nursery, breaking plots, watering, collection of fertile earth or tank silt, collecting, clearing and grading of seeds, scraping firelines, road works, building operations, upkeep of livestock, collection of minor forest produce and other operations or occupations connected with forestry. 45.6. Pursuant to the said notification, the Government had also fixed minimum wages for various employments under the Forest Department by

including for the posts of Plot Watchers and Social Forestry Workers from time to time. It had also provided dearness allowance linked to the consumer price index on variable basis. Further it is only by G.O.(2D)No.82, Labour and Employment Department, dated 27.09.2002 by exercise of power under Section 26(2), the State Government had excluded the social forestry workers of the Forest Department employed in the employment of forestry from the provisions of the Minimum Wages Act. The reason for exclusion was given that the social forestry workers were likely to be absorbed in regular posts of the Forest Watcher in the Forest Department on the basis of seniority. By the notification, only the social forestry workers alone were excluded, whereas the other employment in the Forest were retained. It is well known fact that the minimum wage can be notified only for scheduled employment and the beneficiary of such notified minimum wages must be an employee within the meaning of Section 2(i) of the Minimum Wages Act. The said definition of employee under Section 2(i) of the Minimum Wages Act had only excluded the Armed Forces of the Union. The said definition of employee is more or less in parameteria with the main part of the definition of the term "workmen" defined under Section 2(s) of the I.D. Act. 45.7. The fact that minimum wage notification will apply only to an employee as per the definition of Section 2(i) of the Minimum Wages Act and the other categories cannot be covered by including those employments under the Scheduled employment came to be considered by the Supreme Court in Haryana Unrecognised Schools' Assn. v. State of Haryana reported in (1996) 4 SCC 225 and in paragraphs 7,8,10 and 11, it was observed as follows: "7. In introducing the Bill it had been stated that the items in the Schedule are those where sweated labour is most prevalent or where there is a big chance of exploitation of labour. The Act had been passed for the welfare of labour deriving legislative competence from Item 27 of the Concurrent List in the Seventh Schedule to the Government of India Act, 1935. The object of the Act is to prevent exploitation of the workers and for that purpose it aims at fixation of minimum wages which the employers must pay. This Court in the Constitution Bench decision in the case of Bhikusa Yamasa Kahatriya v. Sangamner Akola Taluka Bidi Kamgar Union² held that: The object of the

Act is to prevent exploitation of the workers, and for that purpose it aims at fixation of minimum wages which the employers must pay. The legislature undoubtedly intended to apply the Act to those industries or localities in which by reason of causes such as unorganised labour or absence of machinery for regulation of wages, the wages paid to workers were, in the light of the general level of wages, and subsistence level, inadequate. Conditions of labour vary in different industries and from locality to locality, and the expediency of fixing minimum wages, and the rates thereof depends largely upon diverse factors which in their very nature are variable and can properly be ascertained by the Government which is in charge of the administration of the State. It is to carry out effectively the purpose of this enactment that power has been given to the appropriate Government to decide, with reference to local conditions, whether it is desirable that minimum wages should be fixed in regard to any scheduled trade or industry, in any locality, and if it be deemed expedient to do so, the rates at which the wages should be fixed in respect of that industry in the locality. 8. There cannot be any dispute with the proposition that while construing the provisions of a statute like Minimum Wages Act a beneficial interpretation has to be preferred which advances the object of the Act. But nevertheless it has to be borne in mind that the beneficial interpretation should relate only to those employments which are intended to be covered by the Act and not to others. Section 3 of the Act provides that the appropriate Government shall, in the manner hereinafter provided fix the minimum rates of wages payable to employees employed in an employment specified in Part I or Part II of the Schedule and in an employment added to either part by notification under Section 27. The expression employee has been defined in Section 2(i) of the Act thus: employee means any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in a scheduled employment in respect of which minimum rates of wages have been fixed; and includes an out-worker to whom any articles or materials are given out by another person to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of the trade or business of that

other person where the process is to be carried out either in the home of the out-worker or in some other premises not being premises under the control and management of that other person; and also includes an employee declared to be an employee by the appropriate Government; but does not include any member of the Armed Forces of the Union. 10. A combined reading of the aforesaid provisions as well as the object of the legislation as indicated earlier makes it explicitly clear that the State Government can add to either part of the Schedule any employment where persons are employed for hire or reward to do any work skilled or unskilled, manual or clerical. If the persons employed do not do the work of any skilled or unskilled or of a manual or clerical nature then it would not be possible for the State Government to include such an employment in the Schedule in exercise of power under Section 27 of the Act. Since the teachers of an educational institution are not employed to do any skilled or unskilled or manual or clerical work and therefore could not be held to be an employee under Section 2(i) of the Act, it is beyond the competence of the State Government to bring them under the purview of the Act by adding the employment in educational institution in the Schedule in exercise of power under Section 27 of the Act. This Court while examining the question whether the teachers employed in a school are workmen under the Industrial Disputes Act had observed in *A. Sundarambal v. Govt. of Goa, Daman & Diu*³: (SCC p. 48, para 10) We are of the view that the teachers employed by educational institutions whether the said institutions are imparting primary, secondary, graduate or postgraduate education cannot be called as workmen within the meaning of Section 2(s) of the Act. Imparting of education which is the main function of teachers cannot be considered as skilled or unskilled manual work or supervisory work or technical work or clerical work. Imparting of education is in the nature of a mission or a noble vocation. A teacher educates children, he moulds their character, builds up their personality and makes them fit to become responsible citizens. Children grow under the care of teachers. The clerical work, if any they may do, is only incidental to their principal work of teaching. 11. Applying the aforesaid dictum to the

definition of employee under Section 2(i) of the Act it may be held that a teacher would not come within the said definition. In the aforesaid premises we are of the considered opinion that the teachers of an educational institution cannot be brought within the purview of the Act and the State Government in exercise of powers under the Act is not entitled to fix the minimum wage of such teachers. The impugned notifications so far as the teachers of the educational institution are concerned are accordingly quashed. This appeal is allowed. Writ petition filed succeeds to the extent mentioned above. There will be no order as to costs." 45.8. Therefore, having included the employment in the Forest under the scheduled employment and also accepted the fact that various employments under the Forest is covered by the minimum wage notification, it is too late on the part of the petitioners to contend that the social forestry workers under the Forest Department will not be covered by the provisions of the I.D. Act. The contention that they are discharging sovereign functions and therefore, they are excluded from the purview of the I.D. Act cannot be countenanced by this Court. The Tribunal impliedly had observed that the earlier Award granting direction was implemented by the State Government and consequently Government Orders were issued for their absorption. Therefore, the petitioners are also estopped from raising this issue at this juncture. Hence the above objection stands overruled.

46.1. The learned Special Government Pleader also raised an issue that the contesting respondents were only adhoc employees and therefore, they cannot be granted any relief. He also submitted that the correspondence showed that the petitioners were not liable for any payment. The department has no funds to provide for their claims and this was also not considered by the labour court. When once the statutory right is declared by the court and the petitioners were found to be on the wrong side, it is open to the labour court to grant appropriate relief to the affected workmen. 46.2. In this context, it is necessary to refer to a judgment of the Supreme Court in Chief Conservator of Forests v. Jagannath Maruti Kondhare reported in (1996) 2 SCC 293 and in paragraphs 28 and 29, it was observed as follows: "28. Insofar as the financial strain on

the State Exchequer is concerned, which submission is sought to be buttressed by Shri Dholakia by stating that in the Forest Department itself the casual employees are about 1.4 lakhs and if all of them were to be regularised and paid at the rate applicable to permanent workmen, the financial involvement would be in the neighbourhood of Rs 300 crores a very high figure indeed. We have not felt inclined to bear in mind this contention of Shri Dholakia as the same has been brought out almost from the hat. The argument relating to financial burden is one of despair or in terrorem. We have neither been impressed by the first nor frightened by the second inasmuch as we do not intend that the view to be taken by us in these appeals should apply, *proprio vigore*, to all casual labourers of the Forest Department or any other Department of the Government. 29. We wish to say further that if Shri Bhandare's submission is taken to its logical end, the justification for paying even minimum wages could wither away, leaving any employer, not to speak of model employer like the State, to exploit unemployed persons. To be fair to Shri Bhandare it may, however, be stated that the learned counsel did not extend his submission this far, but we find it difficult to limit the submission of Shri Bhandare to payment of, say fair wages, as distinguished from minimum wages. We have said so, because if a pay scale has been provided for permanent workmen that has been done by the State Government keeping in view its legal obligations and must be one which had been recommended by the State Pay Commission and accepted by the Government. We cannot deny this relief of permanency to the respondents-workmen only because in that case they would be required to be paid wages meant for permanent workers. This right flows automatically from the relief of regularisation to which no objection can reasonably be taken, as already pointed out. We would, however, observe that the relief made available to the respondents is not one which would be available *ipso facto* to all the casual employees either of the Forest Department or any other Department of the State. Claim of casual employees for permanency or for higher pay shall have to be decided on the merits of their own cases." 46.3. Further, the Supreme Court in *Anoop Sharma v. Executive Engineer, Public Health Division No. 1, Panipat (Haryana)* reported in

(2010) 5 SCC 497, in paragraphs 25 and 26 negatived the application of Uma Devi's case in such matters. Hence these passages may be usefully extracted below : "25.The judgment of the Constitution Bench in State of Karnataka v. Umadevi (3)4 and other decisions in which this Court considered the right of casual, daily wage, temporary and ad hoc employees to be regularised/continued in service or paid salary in the regular timescale, appears to have unduly influenced the High Court's approach in dealing with the appellant's challenge to the award of the Labour Court. In our view, none of those judgments has any bearing on the interpretation of Section 25-F of the Act and employer's obligation to comply with the conditions enumerated in that section. 26.At the cost of repetition, we consider it necessary to mention that it was not the pleaded case of the respondent before the Labour Court and even before the High Court that the appellant was engaged/employed without following the statutory rules or Articles 14 and 16 of the Constitution and that was the basis for discontinuing his engagement. Therefore, the High Court was not justified in relying upon the alleged illegality of the engagement/employment of the appellant for upsetting the award of reinstatement." 46.4.In the light of the same, the other objections must also stand overruled.

47.The next substantive contention raised by the department was that no relief can be given to the workmen in view of an inordinate delay in raising the disputes and in such circumstances, no backwages can be granted. Even this question is no longer res integra. The Supreme Court in GM, Haryana Roadways v. Pawan Kumar reported in (2005) 12 SCC 459 in paragraph 6 had held as follows: "6.It will appear from the facts stated above that though the respondent was prevented from working by the appellant Roadways after December 1991 he did not raise a dispute till 14-10-1995. It is settled law that the mere factum of delay in raising a dispute by itself does not bring the dispute to an end. The delay in raising the dispute, however, may be taken into account in the matter of grant of relief."

48.Further, the Supreme Court in Irrigation Research Institute v. Kripal Singh reported in (2007) 12 SCC 794 in paragraph 8 had observed as

follows: "8.It is to be seen that the authenticity of the muster rolls produced was not questioned by the respondent workman. Effect of a dispute raised after about 8 years was also not considered. It is not in dispute that the Labour Court cannot refuse to answer the reference because of delayed approach. But it can certainly modulate the relief....."

49.Though the Labour court is aware of these parameters while granting the relief in issue No.2 and in paragraph 22 (extracted below), it dealt with the issue but the relief of grant of 50% of wages had observed as follows: "Since it has been held that there has been illegal termination, reinstatement of the petitioners with continuity of service is ordered. However taking into account the long period, the respondents cannot be burdened with payment of entire backwages. Accordingly I hold that the reinstatement of the petitioners with continuity of service but with 50% backwages and attendant benefits would subserve interest of justice..."

50.The labour court granted 50% of backwages though it found the workmen were guilty of delay and laches. It had really rewarded their long inaction by mulcting the Government with heavy expenditure by its Award. Merely granting wages for a period of 21 years which roughly worked out 9-1/2 years' salary, the labour court had also not clearly stated as to the rate by which the arrears should be paid. The Supreme Court had clearly held that by delay and laches, a reference cannot be rejected, but yet the court can consider the fact of delay and mould the relief. Therefore, in normal circumstances, if the workmen did not agitate the grievance before the appropriate forum within a reasonable period, the backwages can be declined either wholly or partially. But in the present case, since there was statutory infraction and the department had not followed the legal procedure, the workmen also cannot be deprived backwages totally. Hence this court is of the opinion that the contesting respondents are eligible for backwages only from the date of their demand made during the year 2007 and when the conciliation before the labour officer failed and that the labour officer had submitted his report under Section 12(4) on 15.3.2007.

51.If only the department had accepted their demand, there would not have been any scope for

adjudication. Therefore, this court fixes the date of liability to pay backwages only from 15.3.2007 and not from the date on which their services were disengaged. The award was pronounced on 5.4.2010. Therefore this court is inclined to grant full wages from the date of the failure report, i.e., 15.3.2007 till 5.4.2010. But however without specifying the rate of wages if the parties are allowed to workout the backwages it will give rise to further complication. Therefore, in order to give a quietus to the entire issue of backwages, this court also decided the backwages to be paid on an adhoc basis. If they had been reinstated in the year 2007, they will be covered by minimum wages fixed by the forest department itself by G.O.Ms.No.106, dated 21.9.2006. It is found in the said G.O. in paragraph 4 that the daily wages includes dearness allowance which will work out to Rs.85.05 paise, i.e., Rs.39/- + DA Rs.46.05 and that for working days of 25 days, it worked out to Rs.2126.25. For a period from 15.3.2007 to 5.4.2010, it comes to Rs.76,530/-. Therefore, after rounding off the amount, this court directs that each worker covered by the award will get Rs.75,000/- in addition to the benefit of reinstatement with continuity of service. The interregnum period will also count for other terminal benefits.

52. In W.P.No.24031 of 2010 (K.Anbalagan), W.P.No.24033 of 2010 (A.Subramani), W.P.No.24036 of 2010 (C.Narayanaswamy), W.P.No.24037 of 2010 (A.Krishnan), W.P.No.24039 of 2010 (P.Subramani) and in W.P.No.24046 of 2010 (M.Vediayappan), the petitioners have filed miscellaneous petitions to modify the order directing Section 17-B wages. In the affidavit filed in support of those miscellaneous petitions, the Deputy Conservator of Forest, Afforestation Division, Tiruvannamalai District had stated that the workmen were employed in the Rural Development Department from 15.8.1990 to 31.8.1996. Therefore, they are not eligible for any wages under Section 17-B. This fact was not denied by those contesting respondents and this fact was also not brought to the notice of the labour court. Hence those contesting respondents are not eligible for any relief in respect of their cases and that the award must necessarily fail. They have also not raised any dispute about their appointment in the Rural Development Department and panchayat Union. Hence they are not

entitled for any relief. Further, if any of the contesting respondents were subsequently employed on the basis of the Government Order in G.O.Ms.No.65, dated 8.3.1999 as per the Statewide seniority list and are at present employed in regular capacity, in their cases, they will be paid only wages from 15.3.2007 till their date of reinstatement or till the date of award, dated 5.4.2010 whichever is earlier. Accordingly, the impugned Award is modified and all the writ petitions are partly allowed. But W.P.Nos.24031, 24033, 24036, 24037, 24039 and 24046 of 2010 are fully allowed. No costs. Consequently connected miscellaneous petitions stand closed."

3.The said judgement of the learned Single Judge was taken by way of Intra Court appeal and the Writ Appeal was also dismissed and thereafter Special Leave Petition was also filed, which was also dismissed. Accordingly, the order of the learned Single Judge dated 08.08.2011 became final. Thus, the first respondent/employee in these writ petitions are also entitled to get benefits as per the judgment of this Court dated 08.08.2011 and as per the order passed by the Hon'ble Supreme Court of India.

4.The learned Additional Government Pleader appearing on behalf of the writ petitioner/Department made a submission that the Hon'ble Supreme Court has modified certain terms and the employees are entitled to get the said benefits as per the orders of the Hon'ble Supreme Court of India. This being the factum, further adjudication of issues on merits does not arise at all. Accordingly, the first respondent/employee in all these writ petitions is entitled to get all the benefits as granted by the Hon'ble Supreme Court of India and the writ petitioners are directed to extend all such benefits as expeditiously as possible preferably within a period of 8 weeks from the date of receipt of copy of this order.

5.With the above directions all the writ petitions stand disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

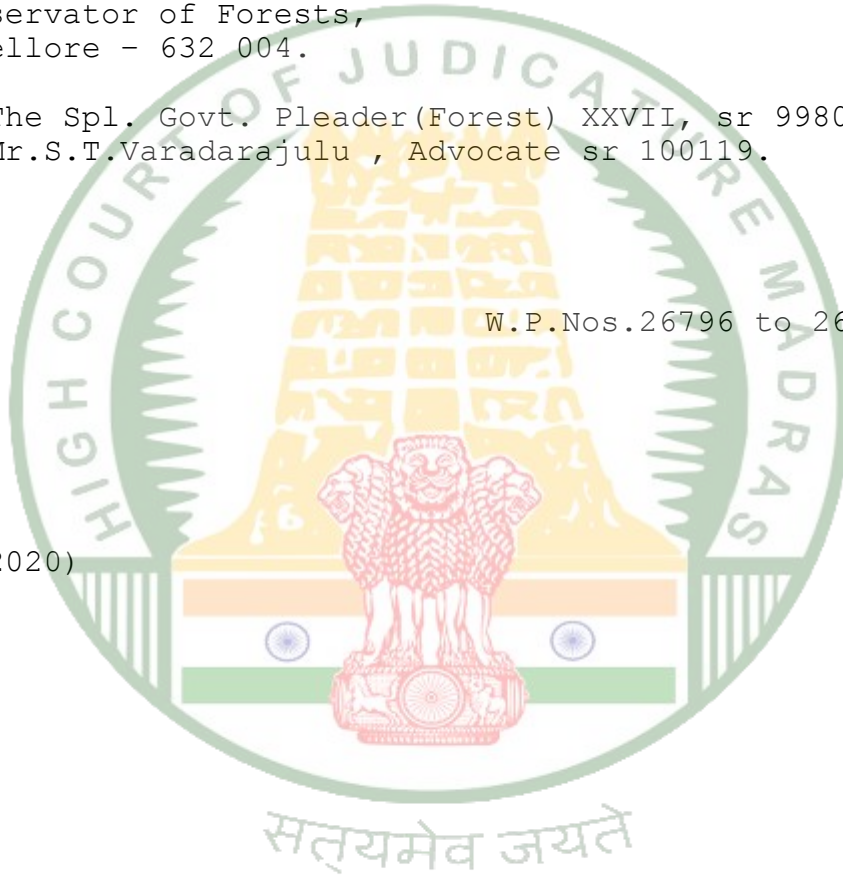
To

1. The Presiding Officer,
Principal Labour Court,
Vellore, Vellore District.
- 2.The Divisional Forest Officer,
Rural Fuel Wood Division,
Thiruppathur.
- 3.The Conservator of Forests,
Fort, Vellore - 632 004.

+1 CC to The Spl. Govt. Pleader(Forest) XXVII, sr 99804.
+1 CC to Mr.S.T.Varadarajulu , Advocate sr 100119.

W.P.Nos.26796 to 26801 of 2010

CA(CO)
SP(29/01/2020)



WEB COPY