



Government of Jammu and Kashmir
Labour & Employment Department
Civil Secretariat, Srinagar.

Notification

Srinagar, the 26th July, 2018

SRO-327 Whereas, the applicant Shruti Sharma filed an application before the Conciliation Officer (Assistant Labour Commissioner) Jammu, stating therein that she has been working as a vocational trainer in Jammu at Sunjwan station, under the centrally sponsored scheme of "Vocationalization of Higher Secondary Education Programmer" in alignment with NSQF, and

Whereas, Shruti Sharma alleged that she was transferred from Jammu to Samba without any reason and thereafter her services were terminated by the Project Coordinator Empower Project Vocational & Staffing Pvt. Ltd., RMSA office, Opposite Gurudwara Malik Market, Jammu, and

Whereas, Shruti Sharma raised a dispute before the Conciliation Officer (Assistant Labour Commissioner), Jammu, against Chief Education Officer, Education Department, Jammu and Project Coordinator Empower Project Vocational & Staffing Pvt. Ltd., RMSA office, Opposite Gurudwara Malik Market, Jammu with a prayer that the transfer order may be set aside and direction be passed to respondent to allow her to resume her duty with full wages and continuity of the service; and

Whereas, efforts were made by the Conciliation Officer (Assistant Labour Commissioner), Jammu to settle the dispute between parties but in view of the contrasting and conflicting stances of the parties, the same could not be settled; and

Whereas, the Conciliation Officer, (Assistant Labour Commissioner), Jammu submitted his failure report recommending the case for its reference to the Labour Court for adjudication; and

Whereas, the Government after examination of the case, is of the opinion that an Industrial dispute exists between Shruti Sharma and Project Coordinator Empower Project Vocational & Staffing Pvt. Ltd., RMSA office, Opposite Gurudwara Malik Market, Jammu; and

Whereas, the Government considers it desirable to refer the said dispute to the Labour Court for adjudication.

1.

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Government hereby refers the said dispute to the Labour Court for adjudication on the following issues:-

1. Whether the transfer of the applicant, Smt. Shruti Sharma has been done legally or not by her employer i.e. Empower Pragati, Vocational & Staffing Pvt. Ltd?
2. Whether the termination order of the applicant Shruti Sharma issued by her employer i.e. Empower Pragati, Vocational & Staffing Pvt. Ltd is legally sound or not?
3. If illegality of the action of the employer is proved, then to what relief the applicant is entitled to?

By order of the Government of Jammu and Kashmir.

Sd/-

(Shailendra Kumar), IAS

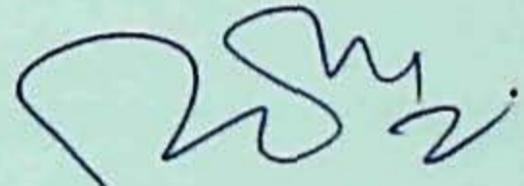
Commissioner/Secretary to the Government,

Dated:- 26 -07-2018

No L&E/Lab/36/2018

Copy to the:-

1. Secretary to Government, Department of Law, Justice and Parliamentary Affairs.
2. Labour Commissioner, J&K, Srinagar.
3. Director Information, J&K, Srinagar with the request to publish the notification/SRO in leading english dailies one each from Jammu/Kashmir.
4. General Manager, Government Press, Srinagar for its publication in the next issue of the Government Gazette
5. Presiding Officer, Industrial Tribunal/Labour Court, J&K Srinagar alongwith full case/leaves in original.
6. Assistant Registrar, J&K High Court, Jammu.
7. Deputy Labour Commissioner, Jammu.
8. Assistant Labour Commissioner (Conciliation Officer), Jammu.
9. Private Secretary to Advisor (K) to the Hon'ble Governor, J&K.
10. Private Secretary to Commissioner/Secretary to the Government, Labour and Employment Department.
11. SRO file (w.2 s.c).
12. Stock file



(Dr. Irfan Ali Khan) KAS

Under Secretary to the Government

25/7