


**Government of Jammu and Kashmir
Labour and Employment Department
Civil Secretariat, Jammu/Srinagar**

Notification

Jammu, the ^{29th}..... December, 2021

S.O. ⁴⁴¹..... Whereas Nikhil Gupta S/o Sh. Ravi Kumar Gupta R/o H.No.-69, Raghunathpura, Jammu, J&K-180010 has filed an application under Section 17(1) of the Working Journalist & Other Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act, 1955 before the Labour Commissioner (Authority, Working Journalist Act.1955) on 03-08-2021 against the management- (1) Managing Director, M/s Amar Ujala Ltd. New Delhi (2) Branch Manager, M/s Amar Ujala, Jammu, wherein applicant has stated that he was employed by the respondents/ management as Executive (MIS) in their Marketing Department at Jammu Branch on 06.12.2010. He was transferred from marketing (MIS) Department to Marketing (Recovery) Department w.e.f. 13.04.2013. The name of the company M/S Amar Ujala Publications Limited has been changed as M/S Amar Ujala Ltd w.e.f 15.04.2019. The applicant being entitled to revised wages as per recommendations of Majithia Wage Board, approached the respondent/ management for payment of Rs.12,98,517/- on account of un-paid dues to which he was entitled, calculated as per the recommendation of Majithia Wage Board, but the management never agreed to the same; and

 Whereas, after hearing the case and perusal of the application of the applicant, objections filed by the respondent and other material placed on record, the amount claimed by the applicant/ claimant is not a settled claim and there is a dispute vis-a-vis amount due to the applicant/ claimant from the

respondents/ management. As such, the recovery proceedings cannot be initiated as per the provisions of the Section 17 (1) of the Working Journalists and other Newspaper Employees (Conditions of Service) Act, 1955; and

Whereas, the Labour Commissioner has recommended that the Payment of claimed amount is required to be adjudicated by the J&K Industrial Tribunal cum Labour Court in terms of Section 17(2) of the working Journalists and other Newspaper Employees (Conditions of Service) Act, 1955, constituted under section 7 of the Industrial Disputes Act, 1947 (14 of 1947); and

Whereas, Labour Commissioner has recommended the case for its reference under sub-section 2 of Section 17 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 to Hon'ble Industrial Tribunal cum Labour Court, Jammu constituted under section 7 of the Industrial Disputes Act, 1947 (14 of 1947) for adjudication; and

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

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

- i. Whether the claimant is covered under the definition of Working Journalist and Non-journalist employee as defined in Working Journalist and other Newspaper Employees (Conditions of service) and Miscellaneous Provisions Act, 1955?

- ii. Whether the claimant is entitled for claim as per the recommendations of the Majithia Wage Board, if yes, to what extent?

By order of the Government of Jammu and Kashmir.

Sd/-
(Sarita Chauhan) IAS,
Commissioner/Secretary to Government
Labour & Employment Department.

No.:L&E/Legal/65/2021

Dated: 29 .12.2021

Copy to the

1. Secretary to Government of India, Ministry of Labour and Employment, Shram Shakti Bhawan, New Delhi-110001.
2. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
3. Joint Secretary (J&K and Ladakh), Ministry of Home Affairs, Government of India.
4. Secretary to Government, Department of Law, Justice and Parliamentary Affairs.
5. Labour Commissioner, J&K, Srinagar/ Jammu.
6. Director Information, J&K, Jammu with the request to publish the S.O. in the leading local newspapers of Srinagar/ Jammu.
7. OSD to Advisor (F) to the Hon'ble Lieutenant Governor, J&K.
8. General Manager, Government Press, Srinagar/Jammu for its publication in the next issue of Government Gazette.
9. Presiding Officer, Industrial Tribunal/ Labour Court, J&K Jammu along with full case details/ leaves in original.
10. Assistant Registrar, J&K, High Court, Jammu.
11. Deputy Labour Commissioner, Jammu.
12. Private Secretary to Commissioner/Secretary to Government, Labour and Employment Department.
13. I/c Website (L&E).
14. SRO file/Stock file (w.2.s.c.)


(Nisar Ahmad Shad)JKAS 29.12.21
Deputy Secretary to Government
Labour and Employment Department