

[Dr. B. Gopala Reddi]

Under Section 25FF of the Act, when the ownership and management of an undertaking is transferred, every workman with a continuous service of not less than one year in that undertaking shall be entitled to notice and compensation as if he is retrenched, unless the conditions of service under the management are not less favourable than under the old and the new management agrees, in the event of future retrenchment, to pay compensation on the basis of the total service including service rendered prior to the transfer.

For the transfer of workers along with works, an essential condition is that the terms of employment under the new management should be at least as favourable as those under the old. In the present instance, this condition is not fulfilled. There is no scheme of pension at present in the N.D.M.C. while it exists in the C.P.W.D. When the above condition is fulfilled, the workers actually employed in the undertaking that is transferred to the new management can be transferred along with the work.

The demand of the Union already referred to is that the junior-most men in the Directorate of Horticulture should be transferred, although they may not be the men actually engaged in the works to be transferred to the N.D.M.C. There is no provision for such a procedure in the Industrial Disputes Act.

It has therefore become unavoidable to retrench the surplus junior-most workers in accordance with section 25 G of the Act after giving them notice and retrenchment compensation as provided in the Act. As stated earlier, they will all be absorbed by the New Delhi Municipal Committee.

The procedure that is proposed to be followed is fully in conformity with the provisions of the Industrial Disputes Act.

Shrimati Renu Chakravartty: Prior to this there have been other people too who had been sent to work under the NDMC and their past services etc. had been counted. They had been treated as having been transferred. If nothing stood in the way of their transfer, there is absolutely no reason why the services of these people also, though temporary, who have served for so many years may not also be treated as transferred from one establishment to an autonomous body.

Dr. B. Gopala Reddi: Some road works were transferred to the NDMC some time ago. It was as a purely temporary measure. The workers were all transferred there with a right to come back to the department and when they come back the juniormost man has to be retrenched. It is with that understanding that those people were transferred as a temporary measure. But here they are surplus for this department and are all being re-employed by the NDMC. They are being served with retrenchment notice with a right to compensation but they will all be protected there. Their salaries will be protected and they will be re-employed by the NDMC.

12.19 hrs.

PAPERS LAID ON THE TABLE
RUBBER (SECOND AMENDMENT) RULES,
1961

The Minister of Commerce (Shri Kanungo): Sir, I beg to lay on the Table a copy of the Rubber (Second Amendment) Rules, 1961 published in Notification No. G.S.R. 29 dated the 6th January, 1962, under sub-section (3) of section 25 of the Rubber Act, 1947. [Placed in Library, See No. LT-3608/62].

ANNUAL REPORT OF THE HINDUSTAN
ANTIBIOTICS LIMITED AND REVIEW
BY THE GOVERNMENT

Shri Kanungo: Sir, with your permission, on behalf of my colleague, Shri Manubhai Shah, I beg to lay on