

*C.P. Agrawal, etc. v. P.O., Labour Court & Anr., 1997 LLR 198*

**Retiral benefits cannot be claimed by a workman under section 33C(2) of the Act.**

*Union of India v. Gurbachan Singh & Anr., 1997 LLR 697*

**The Government can authorise anyone to file criminal complaint for unfair labour practice.**

*Raj Kumar Gupta v. Lt. Governor, Delhi & Ors., 1997 LLR 8*

**NMR workers will not be entitled to be regularised but will get compensation on closure.**

*Management of Dandakaranya Project, Loreput v. Workmen through Rehabilitation Employees Union & Anr., 1997 LLR 193*

**On closure of a project, the daily wagers will not be entitled to relief of reinstatement.**

*Executive Engineer (State of Karnataka) v. K. Somasetty & Otehrs, 1997 LLR 889*

**Limitation Act does not apply to proceedings under Industrial Disputes Act.**

*Ajaib Singh v. The Sirhind Co-operative Marketing-cum-Processing Service Society Ltd. & Ors., 1999 LLR 529 (SC): 1999(82) FLR 137*

**Closure of conciliation proceedings does not automatically amount to its termination.**

*Lokmat Newspapers Pvt. Ltd. v. Shankaraprasad, 1999 LLR 849 (SC): 1999(3) LLN 538*

**Compensation in lieu of reinstatement will be appropriate relief.**

*Workmen of Hindustan Lever Ltd. v. Hindustan Lever Ltd. & Ors., 1999 LLR 209 (SC): 1999 (81) FLR 460*

**The Government is justified in granting permission of closure of an industrial establishment as owned by the State.**

*Dayakar Reddy v. M.D. Allwyn Auto Ltd. & Ors., 2000 LLR 802*

**Refusal by Government to refer a dispute on the ground that the employee is not a 'workman' will be justified.**

*Secretary, Indian Tea Association v. Ajit Kumar Barat, 2000 LLR 337*

**Rejection of reference that the employee is not a 'workman' will not be interfered.**

*Secretary, Indian Tea Association v. Ajit Kumar Barat and Ors., 2000 LLR 506*

**Rejection of an industrial dispute by Industrial Tribunal pertaining an employee discharging mainly managerial and supervisory functions should not have been entertained by the High Court.**

*Birla Corporation Ltd. v. Rajeshwar Mahato, 2001 LLR (Sum) 639*

**Reference of dispute for adjudication will be quashed when the respondent's fraud in seeking employment was detected before his joining.**

*Bangaigaon Refinery & Petrochemicals Ltd. v. Samijuddin Ahmed, 2001 LLR 1168*

**High Court can interfere in an order for reference of a dispute when relevant factors are not considered.**

*Shri Moolchand Kharati Ram Hospital K. Union v. Labour Commissioner and Co., 2001 LLR 1185*

**An employee raising dispute after 13 years about his termination will not be tenable.**

*Management of M/s. Indian Iron and Steel Co. Ltd. v. Prahlad Singh, 2001 LLR 157*

**An award will be quashed if a dispute is decided on affidavits and without evidence.**

*Bank of India v. Secretary, Bank of India Staff Union, 2001 LLR 545*

**Workmen's dispute can be referred for adjudication even after long delay.**

*Sapan Kumar Pandit v. U.P. State Electricity Board, 2001 LLR 900*

**During pendency of proceeding seeking permission for dismissal of a workman, suspension allowance will be payable.**

*Ram Lakhan v. Presiding Officer and Ors., 2001 LLR 344*

**Permission for closure of an establishment will be deemed to have been granted when no reply is received within 60 days from the Government.**

*Union of India & Anr. v. Shantilal Valand, 2001 LLR 996*

**On Transfer of management the workers will be entitled to benefits as available to the employees of the transferee.**

*Managing Director, Andhra Pradesh State Road Transport Corporation v. The Presiding Officer, Industrial Tribunal, Ramkote, Hyderabad and Ors., 2001 LLR 451*

**A complaint for unfair labour practice will lie only when the complainant is a 'workman'.**

*Vividh Kamgar Sabha v. Kalyani Steels Ltd., 2001 LLR 187*

**Labour Court cannot exercise its discretion to alter the punishment when the workman has lost the confidence as reposed by the employer.**

*Uttar Pradesh State Road Transport Corporation v. Mohan Lal Gupta and Ors., 2001 LLR 1154*

**High Court should not interfere in the punishment unless it is shocking to conscience.**

*The Regional Manager & Disciplinary Authority, SBI, Hyderabad and Another v. S. Mohammed Gaffar, 2002 LLR 1181: 2002 LIC 2976: AIR 2002 (SC) 3037: 2002 (101) FJR 407: 2002 (4) LLN 22*

**Prior permission by the Government for the closure of an industrial establishment is must.**

*Orissa Textile & Steel Ltd. etc. etc. v. State of Orissa & Ors. etc. etc., 2002 LLR 225: 2002 LIC 570: AIR 2002 (SC) 708: 2002 (92) FLR 648: 2002(I LLJ) 858: 2002-II LLN 853*

**When there is no adjudication of the matter on merits, it can be referred again.**

*Virendra Bhandari v. Rajasthan State Road Transport Corporation & Others, 2002 LLR 1085*

**Appropriate Government can not decide that an employee is not a 'workman'.**

*Sharad Kumar v. Government of NCT of Delhi & Ors., 2002 LLR 545: 2002 LIC 1464: AIR 2002(SC) 1724:2002 (97) DLT 326:2002 (100) FJR 852*

**Industrial disputes can be raised even after nine years.**

*Asstt. Executive Engg. v. Shivalinga, 2002 LLR 327*

**Determination of 'employee-employee' relationship will not be beyond the scope of reference.**

*Indian Farmers Fertilizer Co-operative Ltd. v. Industrial Tribunal-1, Allahabad and Others, 2002 LLR 449: 2002 LIC 1091: AIR 2002 (SC) 1318: 2002 (101) FJR 1: 2002 (93) FLR 290: 2002-II LLN 368*

**Courts should interfere in the administrative decisions of the employer in imposing punishment only when the punishment is illogical or suffers from procedural impropriety or is shocking.**

*United Commercial Bank and Ors. v. P.c. Kakkar, 2003 LLR 436: 2003-I LLN 825*

**Mere statement by the court while modifying the punishment of dismissal as imposed that it is shocking disproportionate will not be sufficient hence liable to be set aside.**

*United Commercial Bank and Ors. v. P.c. Kakkar, 2003 LLR 436: 2003-I LLN 825*

**Rejection of earlier approval application due to non-payment of one month's wages will become final if not challenged.**

*Indian Telephone Industries Ltd. & Anr. v. Prabhakar H. Manjare & Anr., 2003 LLR 68*

**In determining the relationship of employer and employee 'control' is one of the important tests but is not to be taken as sole test.**

*Ram Singh & Ors. v. Union Territory, Chandigarh & Ors., 2004 LLR 47: 2003 (99) FLR 1064*

**For determination of concept of employment the essential ingredients are:**

- (i) Employer- one who works for another for hire; and**
- (ii) Employee-one who works for another for hire; and**
- (iii) Contract of employment-the contract of service between the employer and the employee whereunder the employee agrees to serve the employer subject to his control and supervision.**

*Nilgiri Coop. Mkt. Society Ltd. v. State of Tamil Nadu and Ors., 2004 LLR 351*

**While exercising its power under section 11A of the Industrial Disputes Act to give appropriate relief in the case of dismissal or discharge of a workman, the Labour Court/Industrial Tribunal can grant compensation in lieu of reinstatement of the workman.**

*Engineering Laghu Udyod Employees' Union v. Judge, Labour Court and Industrial Tribunal and Another, 2004 LLR 331.*

**Merely because some persons had been more or less continuously working in a particular premises, would not be construed that the relationship of**

**employer-employee has come into existence since other circumstances would be relevant factors.**

*Nilgiri Coop. Mkt. Society Ltd. v. State of Tamil Nadu and Ors., 2004 LLR 351*

**The burden of proof for existence of relationship of employer and employee lies upon the person who sets of a plea of its existence.**

*Nilgiri Coop. Mkt. Society Ltd. v. State of Tamil Nadu and Ors., 2004 LLR 351*

**Workman has to prove that he has worked continuously for 240 day's in a year.**

*M.P. Electricity Board vs Hariram etc. 2005 LLR 1, 2005 LLR 446, 2005 LLR 737, 2005 LLR 1222*

**The number of days of work put in different units of same employer could not be taken as "continuous employment".**

*D.G.M., Oil & Natural Gas Corpn. Ltd. & Anr. vs Ilias Abdulrehman. 2005 LLR 235*

**Having no limitation period in I.D. Act, does not mean that any stale claim must be entertained.**

*Haryana State Coop. Land Development Bank Vs. Neelam. 2005 LLR 483*

**Civil Courts have no jurisdiction to entertain Labour Disputes.** Rajasthan State Road Transport Corporation & Ors. Vs. Zakir Hussain, 2005 LLR 1044

**To seek relief under sec. 33C(2) of I.D. act, workman has to get his complaint adjudicated first under sec. 33(A) of the Act.**

*State of U.P. & Anr. vs Brijpal Singh. 2005 LLR 119*

**Consumer co-op. wholesale stores will not be a industrial establishment, hence chapter IV (B) of ID act not attracted.**

*Rajinder Singh Chauhan & Ors. Vs. State of Haryana and Ors. 2006 LLR 1*

**Apart for examining himself workman has to adduce other documentary evidence to prove his 240 days working to get benefit of Sec. 25(F) of I.D. Act.**

*Surendranagar District Panchayat and Anr. vs. Jethabhai Pitamberbhai. 2006 LLR 250.*

**In the absence of back wages order by court, same can not be granted separately under Sec. 33 C(2) of I.D. Act.**

*A.P.S.R.T.C. & Anr. vs B.S. David Paul. 2006 LLR 319*

**Claim of overtime is not tenable under sec. 33C(2) of I.D. Act.**

*Union of India and Anr. vs Kankuben (Dead) by LRs. and Ors. etc. 2006 LLR 494*

**2/3 days break after 89 days of employment and again reemploying would be unfair labour practice and such termination would amount to retrenchment if complete 240 days in a year.**

*Haryana State Electronics Dev. Corpn. vs. Mamnl. 2006 LLR 667*

**The purpose of Sec. 25FF of I.D. Act. is to establish continuity of service and secure benefits in case of transfer of undertaking from one to another employer.**

Management, Mettur Beardsell Ltd. vs. Workmen of Mettur beardsell Ltd. and another. 2006 LLR 868

**Burden of proof of 240 days working lies on workmen and with cogent evidence too. Mere affidavit and self serving statement will not suffice.**

Chief Engineer, Ranjit Sagar Dam & Anr. vs. Sham Lal. 2006 LLR 881

**Delay in raising dispute is to be justified by workman.**

U.P. State Road Transport Corporation vs. Babu Ram. 2006 LLR 896

**Benefits which could be enforced U/S 33C(2) of I.D. Act was a pre-existing benefit or one flowing from pre-existing right.**

U.P. State Road Transport Corporation vs. Sh. Birendra Bhandari. 2006 LLR 1219

**In case casual workman works in different deptts. of one employer, concept of continuous service would not apply.**

*Union of India and others vs. Jummasha Diwan. 2006 FLR 895*

**If Project comes to close, compliance of Sec. 25-N of I.D. Act need not to be complied.**

*Union of India & Ors vs. Jummasha Diwan. 2007 LLR 6*

**Without completing 240 days compliance of Sec. 25G and H not required.**

*Jaipur Development Authority vs. Ram Sahai & Anr. 2007 LLR 92*

**Gainful employment include self employment or earning from Agriculture also.**

*North East Karnataka Road Transport Corporation vs. M. Bagangouda. 2007 LLR 340*

**Engagement of meter reader under agreement and payment based on per meter reading, will not be a regular employment and hence disengagement will not attract retrenchment.**

*Punjab State Electricity Board & Anr. vs. Sudesh Kumar Puri. 2007 LLR 414*

**Labour Court and Industrial Laws are not applicable where complete machinery has been provided under the provisions of the Cooperative Societies Act.**

*Ghaziabad Zila Sahakari Bank Ltd. vs. Addl. Labour Commissioner & Ors. 2007 LLR 447*

**No relief when dispute raised after 18 years.**

*Krishi Utpadan Mandi Samiti vs. Pahal Singh. 2007 LLR 579*

**Appropriate Government for appellant Bank, which is a Multi State Co-operative Bank, is the State Government and not Central Government.**

*Bharat Co-op. Bank (Mumbai) Ltd. vs. Co-operative Bank Employees Union. 2007 (2) LLN 160*

**Exclusion of word "preceding" from S.2(g) of U.P. Act makes all the difference so far as this case is concerned.**

*Sriram Industrial Enterprises Ltd. vs. Mahak Singh & Ors. 2007 (2) LLN 144*

**Since the agreement stipulated that the Board has no obligation towards the employees of the previous owner of the undertaking will not be liable for providing any continuous employment.**

*Ram Pravesh Singh and others vs. State of Bihar and others. 2007 LLR 667*

**Courts have to record reasons for reducing the punishment awarded by Management to employee.**

*U.P.S.R.T.C. vs. Ram Kishan Arora. 2007 LLR 755*

**This decision explains difference in the interpretation of continuous service' under U.P. Industrial Disputes Act and Central Act.**

*Shriram Industrial Enterprises Ltd. v. Mahak Singh. CLR II 2007 P. 744.*

**Cause of action, a part of cause of action arose within the territory of State of W.B. and therefore State of West Bengal was appropriate Government.**

*Bikash Bhusan Ghosh vs. M/s. Novaratis India Ltd. & Ors. FLR (113) 2007 P. 1183*

**A dispute between a Co-operative Society and its employees has to be referred to the Registrar of Co-operative Societies since the civil courts or the labour courts/tribunals have no jurisdiction to entertain the proceedings.**

*Dharappa vs. Bijapur Co-op. Milk Producers Societies Union Ltd. 2007 LLR 1001*

**Closure does not mean that whole establishment is closed. Only a part, when closed, come under the purview of closure.**

*District Red Cross Society vs. Babita Arora & Ors. 2007 LLR 1125*

**Reference of dispute after 8 years would not be maintainable.**

*State of Maharashtra vs. Dattatraya Digamber Birajdar. 2007 LLR 1132*

**Failure of employer to seek approval for dismissal during pendency of Industrial Dispute would render the dismissal illegal.**

*United Bank of India vs. Sidhartha Chakraborty. 2007 LLR 1134*

**Workmen do not get right of regularisation even if they complete 240 days of work.**

*Hindustan Aeronautics Ltd. vs. Dan Bahadur Singh & Ors. 2007 LLR 1229*

**Delayed reference can only be challenged by employer in writ only. Tribunal has no power to decide.**

*Karan Singh vs. Executive Engineer, Haryana State Marketing Board. 2007 LLR 1233*

#### MISCONDUCT

**Even tried to molest amounts to molest a female employee when the behaviour of the employee did not cease to be outrageous.**

*Apparel Export Promotion Council v. A.K. Chopra, 1999 LLR 169*

**Gross negligence on the part of Branch Manager of the bank will amount to major misconduct.**

*State Bank of India and Others v. T.J. Paul, 1999 LLR 786(SC); 1999(82) FLR 497*

**No leniency can be shown to a bank employee who has entered three increments unauthorisedly for himself.**

*S.B.I., Hyderabad and Another v. S. Mohammed Gaffar, 2002 LLR 1181: 2002 LIC 2976: AIR 2002 (SC) 3037: 2002 (101) FJR 407: 2002(95) FLR 3*

**It is for the Disciplinary Authority and not court to decide as to which punishment be imposed.**

*Karnataka Bank Ltd. vs. A.L. Mohan Rao. 2006 LLR 252.*

**Act of misappropriation of funds is sufficient for the employer to lose confidence in employee.**

*Chairman-cum-M.D., T.N.C.S. Corpn. Ltd. vs K Meerabal. 2006 LLR 268*

**For negligence, department proceedings can be initiated but recovery of money would not be legal.**

*Punjab State civil suppliers corp. Ltd. vs. Sikandar Singh. 2006 LLR 445*

**High Court can interfere with punishment if disproportionate to misconduct.**

*Management, Coimbatore District Central Cooperative Bank vs. Secretary, Coimbatore District Central Co-operative Bank Employees' Association and Another. 2007 LLR 1000*

#### MINIMUM WAGES

**The employee not covered under Minimum Wages Act will not make claim for overtime under the said Act.**

*Municipal Council, Hatta v. Bhagat Singh & Ors., 1998 LLR 298*

**An establishment will be excluded from the applicability of Minimum Wages Act when the wages are more than the prescribed rates.**

*Airfreight Ltd. v. State of Karnataka & Others, 1999 LLR 1008 (SC): 1999(83) FLR 126*

**Minimum wages must be paid to daily wagers engaged for maintaining the agricultural fields.**

*Mahatma Phule Agricultural University and Ors. v. Nasik Zilla Sheth Kamgar Union and Ors., 2001 LLR 904*

**In the absence of specific scheduled employment in M.W. notification, security guards in Kerla are not entitled to minimum wages.**

*Lingegowd Detective & Security Chamber Pvt. Limited vs. Mysore Kirioskar Limited & Ors. 2006 LLR 729*

#### PROBATIONER

**In case when the employee was absent from duty from the date much prior to the expiry of the maximum period probation and remained absent even thereafter a long time rule of deemed confirmation will not be applicable.**

*Chief General Manager, State Bank of India & Anr. v. Bijoy Kumar Mishra, 1997 (8) SC 388: 1998 LLR 27*

**The services of a probationer can be terminated even by an innocuous order without holding an enquiry.**

*Life Insurance Corporation of India and Anr. v. Raghavendra Seshagiri Rao Kulkarni, 1998 LLR 284*

**Termination of a probationer without holding of an enquiry will not be invalid.**

*Oswal Pressure Die Casting Industry, Faridabad v. Presiding Officer & Anr., 1998 LLR 341*

**Termination of a probationer on the ground of three letters alleging misconduct will be quashed.**

*Dipti Prakash Banerjee v. S.N. Bose National Centre for Basic Science Calcutta & Ors., 1999 LLR 477 (SC): 1999-I CLR 782*

**Termination of a probationer during probation period will neither be punishment nor cast a stigma.**

*Ganganagar Zila Dugdh Utpadak Sahkari Sangh Ltd. & Another v. Priyanka Joshi & Another, 1999 LLR 957 (SC): 1999(3) LLN 531*

**Probationer cannot be terminated arbitrarily.**

*V.P. Ahuja V. State of Punjab & Ors., 2000 LLR 473*

**Termination of a promotee probationer after expiry of the probation period without disciplinary proceedings will be illegal.**

*Karnataka State Road Transport Corporation & Anr. v. S. Manjunath ect., 2000 LLR 863*

**An employee on probation can be terminated summarily.**

*Krishnadevaraya Education Trust v. L.A. Balakrishna, 2001 LLR 260*

**Termination of a probationer for unsatisfactory work will not be stigmatic.**

*Pawanendra Narayan Verma v. Sanjay Gandhi Post Graduate Institute of Medical Sciences, Lucknow & Anr., 2002 LLR 113*

**Termination of a probationer will not be stigmatic even when certain drawbacks are referred in the order.**

*Shailaja Shivajirao Patil v. President Hony. Khasdar UGS Santha & Others, 2002 LLR 497*

**Termination of a probationer will not be stigmatic when his work was found unsatisfactory and was warned also.**

*Mathew P. Thomas v. Kerala State Civil Supply Corporation Ltd. and Ors., 2003 LLR 349: 2003(96) FLR 1166*

**Merely the show cause notice levying certain allegations against the probationer but the termination letter not being based upon those allegations, it will not be stigmatic.**

*Mathew P. Thomas v. Kerala State Civil Supply Corporation Ltd. and Ors., 2003 LLR 349: 2003 (96) FLR 1166*

**Probationer has no right to continue in the post.**

*Management of Kalpatru Vidya Samasthe (R) and Anr. vs S.B. Gupta and Anr. 2005 LLR 1083*

**Termination of probationer even by stigmatic order will not be illegal.**



Abhijit Gupta vs. S.N.B. National Center, Basic Science & Ors. 2006 LLR 545

**Probationer or Ad-hoc appointee has no right to continue on the post.**

*Vidya Vardhaka Sangha and another vs. Y.D. Deshpande and others. 2006 LLR 1233*

**Discharge simplicitor is valid for inefficient probationer.**

(Municipal Committee, Sirsa vs Munshi Ram. 2005 LLR 317)

#### RESIGNATION

**A college Principal cannot continue to serve after acceptance of her resignation.**

*Committee of Management, Dayanand Arya Kanya Degree College Moradabad and Ors. v. Director, Higher Education, Allahabad and Ors., 1998 LLR 933*

**Non-communication of acceptance does not make resignation inoperative provided there is in fact an acceptance before the withdrawal.**

*North Zone Cultural & Anr., v. Vedpathi Dinesh Kumar, 2003 LLR 583: 2002(97) FLR 808*

**A resignation must be unconditional and with a clear intention to relinquish a job.**

*Prabha Atri (Dr.) v. State of Uttar Pradesh & Ors., 2003 LLR 230: 2002-I LLN 762*

**Merely that the employee has attended duty and marked attendance will not nullify the acceptance of resignation on the date of resignation as tendered with immediate effect.**

*North Zone Cultural centre v. Vedpathi Dinesh Kumar, 2003 LLR 583: 2003(97) FLR 808*

**Employee can withdraw his resignation before valid acceptance by employer.**

*Srikantha S.M. vs M/s Bharat Earth Movers Ltd. 2005 LLR 1185*

**Even after acceptance of resignation, but before date of relieving, employee can withdraw the resignation.**

*Srikanth S.M. vs M/s. Bharath Earth Movers Ltd. 2006 LLR 438*

**Involved in the charge of misbehaving with the girl student, resignation by lecturer and acceptance by management, can not be said to be done under force.**

*Secy., Technical Education U.P. & Ors. vs. Lalit Mohan Upadhyay & Anr. 2007 LLR 662*

#### REINSTATEMENT

**Reinstatement of an employee who challenged dismissal after five years will not be justified.**

*Life Insurance Corporation of India & Ors. v. Jyotish Chandra Biswas, 2000 LLR 1278*

**Reinstatement without back wages will be appropriate relief when the workmen are negligent.**

*Kanhaiyalal Agrawal v. The Facotry Manager, Gwalior Sugar Co. Ltd., 2001 LLR 1073*

**Reinstatement of an employee for misappropriation or loss of confidence will be set aside.**

*Uttar Pradesh State Road Transport Corporation v. Mohan Lal Gupta and Ors., 2001 LLR 1154*

**Denial of reinstatement and wages will be unjustified on illegal termination.**

*Vikramaditya Pandey v. Industrial Tribunal, 2001 LLR 193*

**When an industrial Tribunal is dicided after 25 years, compensation instead of reinstatement will be appropriate relief.**

*Sain Steel Products v. Naipal Singh and Ors., 2001 LLR 566*

**Compensation in lieu of reinstatement will be appropriate relief to a Security Guard whose retention involved confidence of the employee and only three years of his service were left.**

*Om Prakash (Dead) by LRs v. Presiding Officer, Labour Court, Rohatak & Anr., 2001 LLR 1116*

**Reinstatement with 50% back-wages will be appropriate when dismissal of a workman for assaulting his senior is not proved.**

*Hindustan Motors Ltd. v. Tapan Kumar Bhattacharya & Anr., 2002 LLR 925: 2002 LIC 2640: AIR 2002 (SC) 2676: 2002 (101) FJR 2002: 2002 (94) FLR 741*

**Granting notional increments to a workman on his reinstatement will amount to premium on the misconduct.**

*A.P.S.R.T.C. and Anr. v. S. Narsagoud, 2003 LLR 225*

**Reinstatement of workmen will be appropriate relief to the casual workers who were employed for more than 240 days by the Telecom Department for digging, laying cables, erecting poles and connected work in belgaum in 1985-87.**

*S.M. Milajkar & Ors. v. Telecom, District Manager, Marnataka, 2003 LLR 470: 2003 (97) FLR 608*

**Reinstatement with 25% back-wages of a workman as awarded by Labour Court and upheld by the High Court will be converted into payment of compensation when the Management has been suffering losses and the reinstatement of the workman after a long period would neither be just nor equitable besides that it will add to excessive manpower than the requirement.**

*Haryana Tourism Corporation Ltd. v. Fakir Chand etc. etc., 2003 1121: 2003 (99) FLR 821*

**For Courts, not always mandatory to order reinstatement.**

*Employers, Management of Central P & D Inst. Ltd. vs Union of India & Anr. 2005 LLR 132*

**In view of bad blood between employer and workman, compensation would be right in lieu of reinstatement.**