

"HR Manager's Quick Insights – December 2024"

Stay Updated: Key HR and Legal Judgments Shaping the Workplace

- 1. Workplace Abandonment Defined:** Abandonment reflects an intention to leave employment voluntarily.
Harjit Singh v. Presiding Officer, Industrial Tribunal, Patiala (2017)
- 2. Back-Wages and Unemployment:** Claiming back-wages requires proof of unemployment.
W.H. Brady & Co. Ltd. v. A.R. Sulochana (2012)
- 3. EPFO and Functional Integrality:** The EPFO must prove integrality to club multiple units.
Mahakoushal Gasolene Enterprises v. Assistant Provident Fund Commissioner (2013)
- 4. Apprenticeship vs. Workman:** Even without a formal contract, an apprentice is not a workman.
Shankerbhai L. Vankar v. Executive Engineer (2017)
- 5. Correction of Birth Date:** Timely requests for correction of birth date should be entertained.
Sri Bhuban Chandra Baruah v. Food Corporation of India (2014)
- 6. Show-Cause Notice Isn't a Charge-Sheet:** A show-cause notice cannot always be treated as a charge-sheet.
Om Parkash v. Industrial Tribunal, Bathinda (2015)
- 7. Contracts Under Coercion:** Contracts signed under undue influence or fraud are deemed illegal.
Hari B.P. v. Bharat Coking Coal Ltd. (2016)
- 8. Continuous Service Includes Sundays:** Sundays count in calculating continuous service.
Ram Kishan Gurjar v. State of Rajasthan (2006)
- 9. Disciplinary Decisions and Courts:** Courts do not interfere in decisions from disciplinary proceedings.
Bajjnath Prasad v. Central Bank of India (2016)
- 10. Equal Wages for Contract Labour:** Contract workers can claim wages equal to their category.
Surjeet Shyamal v. Union of India (2018)

11. **Union Demonstrations:** No demonstrations within 100 meters of an establishment.
G4S Security Services v. G4S Krantikari Karamchari Union (2012)
12. **Opportunity Before Wage Deduction:** Employees must be heard before deducting wages.
Bata India Ltd. v. Workmen of Bata India Ltd. (2022)
13. **Ex-Parte Enquiry Requires Reasoning:** Supporting reasons are mandatory in ex-parte enquiries.
Dula Ram Chaudhari v. Uttar Pradesh Cooperative Spinning Mills Federation Ltd. (2009)
14. **Accidents Outside Scope:** No compensation if a cleaner meets an accident while driving.
New India Assurance Co. Ltd. v. K.S. Puttappa (2007)
15. **Owner as Employee:** A hotel owner can qualify as an employee under the ESI Act.
F. Basheer v. Regional Director, ESI Corporation (2014)
16. **Partners Excluded from PF Coverage:** Partners are not counted as employees for PF.
EPFO v. M/s. Ambar Products (2016)
17. **Canteen Obligations:** Factories must maintain canteens if staff strength exceeds 250.
Mohan Singh v. Railway Board (2015)
18. **Parallel Proceedings:** Departmental and criminal proceedings can run simultaneously.
Yemanura v. Union Bank of India (2017)
19. **Daily Wager Termination:** Tribunal-approved termination for theft will not be interfered with.
Vijay Pal Singh v. N.D.M.C. (2007)
20. **Charitable Trust as Industry:** Charitable trusts fall under the Industrial Disputes Act.
Union of India v. Shree Gajanan Maharaj Sansthan (2002)
21. **Delayed PF Deposits:** Damages for delayed deposits aren't mandatory.
EPFO v. Sreekamakshy Agency (2013)
22. **Trainees as Workmen:** Trainees without proper training can be deemed workmen.
Ananda Bazar Patrika Ltd. v. State of West Bengal (2016)

23. Retirement Age Clause: Employees cannot claim retirement beyond age defined in Standing Orders.

Sri P. Raju v. Raman Boards Ltd. (2017)

24. Gratuity Exclusion in Civil Courts: Gratuity claims fall outside Civil Court jurisdiction.

Thoothukudi Fishermen Co-Op Federation v. Appellate Authority (2017)

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