

TL E-BULLETIN

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Welcome to the 3rd Edition of Volume 1 of the TL E-Bulletin, brought to you by TeamLease Services. This E-Bulletin comprises of Labour Regulatory Updates, recent significant Judgments and Orders & insights into the Labour Code Updates.

1. LABOUR REGULATORY UPDATES

In this section, we aim to provide insights and recent updates on various Acts of Labour Laws, in the form of Official Notifications, Circulars, Amendments, etc., that have been published and notified in the past one month, governing on the impact and regulation of labour and employment laws.

EPFO DECLARES RATE OF INTEREST FOR THE EPF MEMBERS ACCOUNT FOR THE YEAR 2021-2022.

In its Notification dated 3rd June, 2022, the Employee's Provident Fund Organization (EPFO) has declared to credit interest at the rate of 8.10 % for the Year 2021-22 to the account of each member of the Employee's Provident Fund Scheme, 1952.

Therefore, the rate of interest for the year 2021-22 stands at the @8.10%, to be credited to the account of each member of the EPF Scheme, as contrast to the previous rate of interest @8.5% for the year 2020-21.

GOVERNMENT OF HARYANA DECLARES PUBLIC HOLIDAY ON THE DAY OF POLL -19TH JUNE, 2022 FOR GENERAL ELECTIONS

The Government of Haryana has fixed the 19th June, 2022 (Sunday) as the day of Poll for General Election for the seats of President and Members of all wards of 28 Municipal Committees and 18 Municipal Councils. On the said Day of Poll, Offices of all the Departments / Boards / Corporations / Educational Institutions under the Haryana Government and in all Factories, Commercial Establishments, Shops, etc., falling within the jurisdiction of all above wards of Municipal Committees / Municipal Councils, are to be observed as a Public Holiday, in order to enable such employees to cast their votes on the said day of Poll.

MOLE ISSUES NOTIFICATION DECLARING THE SERVICES ENGAGED IN THE URANIUM INDUSTRY TO BE A PUBLIC UTILITY SERVICE

The Ministry of Labour and Employment (MOLE), in its Notification dated 16th June, 2022 has declared the services engaged in the Uranium Industry to be a Public Utility Service. As per the said Notification, the Central Government is satisfied that public interest so requires that the services engaged in the Uranium Industry, as covered under Item 19 of the First Schedule to the Industrial Disputes Act, 1947 to be a Public Utility Service. Thus, the Notification shall stand effective from the 19th June, 2022 for a period of 6 months.

TAMIL NADU ISSUES NOTIFICATION PERMITTING ALL SHOPS AND ESTABLISHMENTS TO REMAIN OPEN FOR 24/7 ON ALL DAYS OF THE YEAR.

Vide its Notification dated 2nd June, 2022, the Government of Tamil Nadu has permitted all Shops and Establishments under The Tamil Nadu Shops & Establishments Act, 1947 to keep open for 24/7 on all days of the year, for a period of 3 years with effect from 5th June, 2022. The said exemption is subject to the following conditions:

- (1) Every employee shall be given one day holiday in a week on rotation basis, and the details of every employee shall be provided in 'Form S' added to the Tamil Nadu Shops and Establishments Rules, 1948 and shall be exhibited by the employer in a conspicuous place in the establishments.
- (2) Every employer shall exhibit details of the employees who are on holiday/leave, on daily basis, in a conspicuous place in the establishments.
- (3) The wages including overtime wages of the employees shall be credited to their savings bank account.
- (4) An employer shall not require or allow any person employed to work therein for more than eight hours in any day and forty eight hours in any week and the period of work including over time shall not exceed ten and a half hours in any day and fifty seven hours in a week.
- (5) If employees are found working on any holiday or after normal duty hours without proper indent of overtime, penal action will be initiated against the employer/manager as laid down in the Tamil Nadu Shops and Establishments Act, 1947 and the Tamil Nadu Shops and Establishments Rules, 1948.
- (6) Women employees shall not be required to work beyond 8.00 p.m. on any day in normal circumstances. Provided that the employer after obtaining written consent of the women employees shall allow them to work between 8.00 pm and 6.00 am, subject to providing adequate protection of their dignity, honour and safety.
- (7) Transport arrangements shall be provided to the women employee who works in shifts. A notice to this effect shall be exhibited at the main entrance of the establishment indicating the availability of transport.
- (8) The employees shall be provided with restroom, wash room, safety lockers and other basic amenities.
- (9) Every employer employing women employees shall constitute Internal Complaints Committee against sexual harassment of women under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Central Act 14 of 2013) and the said Committee shall be operative.
- (10) The above said terms and conditions shall be treated and implemented in addition to those provisions specified in the Tamil Nadu Shops and Establishments Act, 1947 and the Tamil Nadu Shops and Establishments Rules, 1948.
- (11) In the case of violation of any statutory provision or any of the above terms and conditions noticed by the Inspector or otherwise, necessary penal action will be initiated against the employer/manager as laid down in the Tamil Nadu Shops and Establishments Act, 1947 and the Tamil Nadu Shops and Establishments Rules, 1948.

MOLE ISSUES NOTIFICATION DECLARING THE SERVICES ENGAGED IN THE INDUSTRY OF DEFENCE ESTABLISHMENTS TO BE A PUBLIC UTILITY SERVICE

The Ministry of Labour and Employment (MOLE), in its Notification dated 16th June, 2022 has declared the services engaged in the Industry of Defence Establishments to be a Public Utility Service. As per the said Notification, the Central Government is satisfied that public interest so requires that the services engaged in the Uranium Industry, as covered under Item 8 of the First Schedule to the Industrial Disputes Act, 1947 to be a Public Utility Service. Thus, the Notification shall stand effective from the 24th June, 2022 for a period of 6 months.

GOVERNMENT OF PUNJAB DECLARES PAID HOLIDAY FOR FACTORIES ON THE DAY OF POLL -23RD JUNE, 2022 ON ACCOUNT OF BY- ELECTIONS TO LOK SABHA.

The Government of Punjab has fixed the 23rd June, 2022 (Thursday) as the day of Poll for the By- Elections to the Lok Sabha from 12 Sangrur Parliamentary Constituency. To enable the employees working in the Factories situated in Districts Sangrur, Barnala and Malerkotla in the State of Punjab to cast their votes, who are voters in the said 12 Sangrur Parliamentary Constituency, 23rd June, 2022 has been declared as a "Paid Holiday" / "Closed Holiday" by the Government of Punjab.

GOVERNMENT OF WEST BENGAL DECLARES PAID HOLIDAY ON THE DAY OF POLL -26TH JUNE, 2022 ON ACCOUNT OF UPCOMING MUNICIPAL ELECTIONS.

On account of the upcoming Municipal Elections to 6 Municipalities -(1) South Dum Dum Municipality; (2) Dum Dum Municipality; (3)Bhatpara Municipality; (4) Chandernagore Municipal Corporation; (5) Panihati Municipality; and (6) Jhalda Municipality, the Government of West Bengal has declared 26th June, 2022 (Sunday), as a Paid Holiday on the day of poll.

It has been made obligatory on the part of the Employers of any business, trade, industrial undertaking or any other establishments, in all areas pertaining to 6 Municipalities, to which elections have been notified, to grant Paid Holiday on the day of poll to their workmen who are voters in the said constituency areas, to enable them to exercise their right of franchise. Further, the daily wage / casual workers are also entitled for a holiday and wages on the day of poll.

GOVERNMENT OF NCT OF DELHI DECLARES PAID HOLIDAY ON THE DAY OF POLL -23RD JUNE, 2022 ON ACCOUNT OF THE BY-ELECTIONS TO RAJINDER NAGAR ASSEMBLY CONSTITUENCY

The Government of NCT of Delhi has declared the Day of Poll, i.e., 23rd June, 2022 (Thursday) as a Paid Holiday, on account of the By-Elections to 39-Rajinder Nagar Assembly Constituency. All such employers of Industrial Establishments / Factories / Shops and Commercial Establishments in the NCT of Delhi is mandated to grant Paid Holiday to their Employees who are electors of the constituency, enabling them to cast their vote on the day of polling.

HARYANA GOVERNMENT ISSUES NOTIFICATION EXEMPTING WOMEN WORKERS WORKING IN NIGHT SHIFTS IN SHOPS & ESTABLISHMENTS.

The Government of Haryana has issued a Notification dated 7th June, 2022, exempting women workers from the restrictions on working in the night shifts, i.e., from 07:00 PM to 06:00 AM in IT, ITEs, Banking Establishments, Three star or above hotels, hundred per cent Export Oriented Establishments and in Logistics and Warehousing Establishments. The said Exemption is valid for a period of 1 Year, with effect from 7th June, 2022, subject to the prescribed conditions to be complied with by the Employer while employing women employees during the night shifts. Some of the major conditions are as follows:

- (1) Declaration/consent from each women worker including security guard, supervisors, shift- in-charge or any other women staff to work during night shift i.e. between 07.00PM to 06.00AM shall be obtained and a copy of the same shall be forwarded to the Labour Commissioner, Haryana.
- (2) The employer shall provide proper lighting not only inside the shop/establishment, but also surrounding of the shop/establishment and to all places where the female workers may move out of necessity in the course of such shift.
- (3) The employer shall see that the women workers are employed in a batch not less than ten and the total of the women workers employed in a night shift shall not be less than 2/3rd of the total strength.
- (4) Sufficient women security shall be provided during the night shift at the entry as well as exit point.
- (5) Sufficient number of work sheds shall be provided for the female workers to arrive in advance and also leave after the working hours.
- (6) Separate canteen facility shall be provided for the female employees, if the number of female employees are more than 50.
- (7) The employer shall provide transportation facility to the women workers from their residence and back (for the night shift) and security guards (including female security guard) and each transportation vehicle shall also be equipped with CCTV cameras.
- (8) Wherever the establishment/management provides boarding and lodging arrangements for the women workers, the same shall be kept exclusively for the women under the control of women wardens or supervisors.
- (9) During night shift not less than 1/3rd of strength of the supervisors or shift-in-charge or other supervisory staff shall be women.
- (10) There shall be not less than twelve consecutive hours of rest or gap between the last shifts and the night shift wherever a women worker is changed from day shift to night shift and so also from night shift to day shift.
- (11) The female workers who work in night shifts and regular shifts shall have a monthly meeting through their representative with principal employer once in eight weeks as grievance day and the employer shall try to comply all just and reasonable grievances.
- (12) The employer shall be at liberty to employ women workers as a whole or in part during night shift, provided, the above directions be complied with.
- (13) The employer shall send a half yearly report to the Labour Commissioner Haryana about the details of employees engaged during night shifts and shall also send immediate report, whenever there is some untoward incident, to the Labour Commissioner and local Police Station as well.
- (14) The Management will ensure that the Security Incharge / Management have maintained the Boarding Register/Digitally signed computerized record consisting the Date, Name of the Model & Manufacturing of the Vehicle, Vehicle Registration No. 'Name of the Driver, Address of the Driver, Phone/Contract No.' of the Driver and Time Pick up of the women employees from the establishment destination.

GOVERNMENT OF WEST BENGAL DECLARES PAID HOLIDAY ON THE DAY OF POLL - 26TH JUNE, 2022 ON ACCOUNT OF THE UPCOMING PANCHAYAT GENERAL ELECTIONS, 2022.

The Government of West Bengal has declared the Day of Poll, i.e., 26th June, 2022 (Sunday) as a Paid Holiday, on account of the upcoming Panchayat General Elections, 2022 to the Gram Panchayat, Panchayat Samiti and Mahakuma Parishad of the Siliguri Mahakuma Parishad.

It has been made obligatory on the part of the Employers of any business, trade, industrial undertaking or any other establishments, in all areas pertaining to Siliguri Mahakuma Parishad, in the District of Darjeeling, to which elections have been notified, to grant Paid Holiday on the day of poll to their workmen who are voters in the said constituency areas, to enable them to exercise their right of franchise. Further, the daily wage / casual workers are also entitled for a Holiday and wages on the day of poll.

MOLE ISSUES NOTIFICATION ON THE ENFORCEMENT DATE OF CERTAIN PROVISIONS OF THE EMPLOYEE'S STATE INSURANCE ACT, 1948 IN THE THOOTHUKUDI DISTRICT, TAMIL NADU

In its Notification dated 24th June, 2022, the Ministry of Labour and Employment (MOLE), has prescribed the date of enforcement of certain provisions of the Employee's State Insurance Act, 1984 in the Thoothukudi District, State of Tamil Nadu effective from 1st July, 2022. The following provisions of the Employee's State Insurance Act, 1948 are being enforced in the Thoothukudi District, Tamil Nadu:

- (i) Sections 38, 39, 40, 41, 42, 43 and sections 45A to 45H of Chapter IV, which specifies Contributions.
- (ii) Sections 46 to 73 of Chapter V, which specifies Benefits and;
- (iii) Sections 74, 75, sub-sections (2) to (4) of section 76, 80, 82 and 83 of Chapter VI, which specifies Adjudication Of Dispute And Claim.

GOVERNMENT OF PUDUCHERRY ISSUES ORDER MANDATING APPLICATIONS FOR REGISTRATION AND RENEWAL OF LICENSE FOR FACTORIES THROUGH ONLINE MODE ONLY.

The Government of Puducherry on 3rd June, 2022 has issued an Order mandating the services of Registration and Renewal of License for Factories under The Factories Act, 1948 to be availed through Online mode only with immediate effect, to eliminate the need to submit the applications physically, payment of fees for the services and track their status in each stage. The Order prescribes as follows:

- (1) Registration and Renewal of License for Factories under the Factories Act, 1948 to be applied through the website of Labour Department, Puducherry.
- (2) On approval, the final certificate can be downloaded from the online-portal.
- (3) The present practice of issuing signed copy of Final Certificates is dispensed with, except those already applied and under issue with this office.
- (4) Further, Amendments to License will continue to be issued in Physical mode until the Online Application for Amendment to Factory License is launched.

HARYANA GOVERNMENT ISSUES NOTIFICATION EXEMPTING WOMEN WORKERS WORKING IN NIGHT SHIFTS IN FACTORIES.

The Government of Haryana has issued a Notification dated 17th June, 2022, exempting women workers from the restrictions on working in the night shifts, i.e., from 07:00 PM to 06:00 AM in Factories. The said Exemption is valid for a period of 1 Year, with effect from 17th June, 2022, subject to the following prescribed conditions:

- (1) Every Occupier of the factory shall constitute by an order in writing, a Committee to be known as the Internal Complaints Committee (ICC).
- (2) The order regarding constitution of ICC and Policy on prohibition of sexual harassment shall be displayed at conspicuous places at the workplace.
- (3) The Occupier shall provide proper lighting and CCTV cameras not only inside the factory, but also surrounding the factory and to all places where the female workers may move out of necessity in the course of her work.
- (4) The Occupier or Manager shall see that the women workers are employed in a batch not less than 10 and the total of the women workers employed in a night shift shall not be less than 2/3rd of the total strength.
- (5) The Occupier shall provide transportation facility to the women workers from their residence and back (for the night shifts), security guards (including female security guard) and each transportation vehicle shall also be equipped with CCTV cameras. Sufficient women security shall also be provided at the entry as well as exit point of the factory.
- (6) During night shift not less than 1/3rd of strength of the supervisors or shift -in-charge or other supervisory staff shall be women.
- (7) Declaration / consent from each women worker including security guard, supervisors, shift-in-charge or any other women staff to work during night shift i.e., between 07:00 PM to 06:00 AM shall be obtained.
- (8) The Occupier or Manager shall send a copy of Annual Report prescribed under Section 22 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 on or before the 31st January of each year to the Labour Commissioner, Haryana and Assistant Director, Industrial Safety & Health of their jurisdiction about the details of women workers. An express report shall also be sent to the concerned Assistant Director, Industrial Safety & Health and Local Police Station as well, whenever there is some untoward incident.
- (9) The Occupier shall provide appropriate medical facilities by engaging a doctor / female nurse during the night shift. Where more than 100 women workers are employed in the shift, a separate vehicle also will be kept ready to meet any emergent situation such as hospitalization, whenever there is a case of injury or incidental acts of harassment, etc. Telephone numbers like Police, Hospital and Members of Internal Committee, etc. shall be displayed at conspicuous places.
- (10) The women workers working in all shifts shall have a monthly meeting through their representatives with the occupier as grievance day and the occupier shall try to comply all just and reasonable grievances.

TAMIL NADU GOVERNMENT ISSUES NOTIFICATION ON THE DRAFT AMENDMENTS TO TAMIL NADU FACTORIES RULES, 1950 REGARDING FIRST-AID BOX.

The Government of Tamil Nadu vide its Notification dated 29th June, 2022 has the following Draft Amendments proposed under The Tamil Nadu Factories Rules, 1950, with reference to First-Aid Box:

(1) Rule 63-B, which prescribes "First-Aid", has the following expression "or Tamil Nadu Apex Skill Development Centre for Health Care" inserted after the expression "Saint John's Ambulance Association."

Therefore, the changed Rule after the Amendment will be as follows:

"Persons who are in charge of first-aid box shall be persons who possess the certificate granted by the Saint John's Ambulance Association "or Tamil Nadu Apex Skill Development Centre for Health Care" for rendering first-aid."

(2) Rule 95, Schedule XVII, Paragraph 4, which prescribes "First Aid Boxes or Cupboards", has the following expression "or Tamil Nadu Apex Skill Development Centre for Health Care" inserted after the expression "Saint John's Ambulance Association."

Therefore, the changed Rule after the Amendment will be as follows:

Each "First-Aid Box" or cupboard shall be placed under the charge of a person who possesses the certificate granted by the St. John Ambulance Association or "Tamil Nadu Apex Skill Development Centre for Health Care" for rendering first-aid and such person shall be readily available during working hours of the factory.

(3) Rule 95, Schedule XXIV, Paragraph 12 (c), which prescribes "First-Aid Boxes", has the following expression "or Tamil Nadu Apex Skill Development Centre for Health Care" inserted after the expression "St. John's Ambulance Association."

Therefore, the changed Rule after the Amendment will be as follows:

"Persons who are in charge of First-Aid Boxes shall be those who possess the certificate granted by the St. John's Ambulance Association "or Tamil Nadu Apex Skill Development Centre for Health Care" for rendering first-aid."

PUNJAB GOVERNMENT ISSUES NOTIFICATION ON 365 DAYS EXEMPTION FOR ALL SHOPS AND ESTABLISHMENTS UNDER THE PUNJAB S&E ACT, 1958.

In continuation to an earlier Notification dated 7th June, 2021, the Government of Punjab has now issued a Notification, dated 8th June, 2022 under The Punjab Shops and Commercial Establishments Act, 1958 permitting all shops and establishments to keep open on all 365 days of the year, for a period of 1 Year, i.e., up to 31st May, 2023. The exemption under The Punjab Shops & Commercial Establishments Act, 1958 is subject to the following conditions:

- (1) Every employee working in the establishment shall be given one day holiday in a week without making any deductions from his / her wages on account thereof and list of the time table of such holidays for a month shall be placed on the notice board in advance.
- (2) Every employee shall be given a rest period of one hour after 5 hours of continuous work.
- (3) No employee shall be required to work for more than 9 hours in a day or 48 hours in a week.
- (4) If the establishment remains open after 10.00 pm on any day, adequate safety and security arrangements shall be ensured for employees and visitors.
- (5) As establishments are being given permission to be open for all days, new staff shall be appointed for the extended timing.
- (6) Female employee will not be allowed to work after 8.00 P.M. Their written consent in this regard shall be taken as adequate safety and security arrangements of female employees shall be made during working hours and it shall be ensured that they safely reach home after their work is over.
- (7) Consent letter shall be taken from the employees and it should be kept as record in the establishments.
- (8) The spread over of an employee shall not exceed 11 hours in a day.
- (9) Employee shall be given national and festival holidays with wages.
- (10) The wages including overtime wages of the employees shall be credited to their saving bank account.
- (11) Female employees shall be provided separate locker, security and rest rooms at the work place.
- (12) Every employer employing women employees shall constitute Internal Complaint Committee against sexual harassment of women under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the said Committee shall be operative.
- (13) The Prevention of The Child and Adolescent Labour (Prohibition and Regulation) Act 1986, as amended from time to time, shall be implemented in the establishments.
- (14) The employees shall be provided all the facilities mentioned in the relevant labour laws.
- (15) In addition to these terms and conditions, all the provisions of the Act and other relevant Laws shall be applicable to the establishment.
- (16) In case of violation of any of the above terms and conditions or any other provision of the Act, the exemption shall be cancelled after giving a due opportunity of being heard by the Competent Authority.

2. LABOUR CODE UPDATES

In this section, we attempt to provide a brief understanding on the Labour Code Updates for an easy ready reference. This section mainly highlights on each of the 4 proposed Labour Codes and its recent updates and changes.

THE CONUNDRUM OF LABOUR CODES IMPLEMENTATION IN INDIA

With the rising sensation on the most coveted implementation of the new Labour Codes by July, 2022, sparingly appears to be a mere onset of a predicament in the domain of Labour law. An update on the prospective implementation of the proposed Labour Codes was duly published and reported by DNA on the 9th June, 2022, depicting the near concern of the Central Government to effectuate its implementation with effect from 1st July, 2022, however the fact that, still six states have not yet even framed the respective Draft Rules, continues to ignite the rapid sensation.

Though, it is significant to comprehend and deduce that, as of yet, a total of 21 states have drafted, notified and published all the 4 Draft Rules on Labour Codes, inferring an imperative rise in the number of states of its intention to effectuate at the earliest. On the contrary, states / UT's like West Bengal, Nagaland, Meghalaya, Lakshadweep, Dadra and Nagar Haveli and Daman and Diu, are on the lag behind the implementation of all 4 Draft Rules.

To impart clarity on the same, a summary of the state wise draft rules is cited below for quick reference:

Count of Code on Wages, 2019	Count of Code on Social Security, 2020	Count of Code on OSH, 2020	Count of Code on IR, 2020
Draft Notified - 30 To be Notified - 7	Draft Notified - 23 To be Notified -14	Draft Notified - 24 To be Notified -13	Draft Notified - 26 To be Notified -11
Grand Total - State / UT - 37	Grand Total - State / UT - 37	Grand Total - State / UT - 37	Grand Total - State / UT - 37

It is also important to note that, the Central Government shall notify the Draft Central Rules in respect of all the 4 Labour Codes before the States notifies on the Draft State Rules. (Exception: The state of Gujarat having already notified and published the Gujarat Wages Rules, 2019).

Nevertheless, the Association of Employers and some of the unions are of the opinion that, the said Codes, shall be implemented in a phased manner, wherein the Central Government hasn't yet provided a clarity on the same.

3. JUDGMENTS

In this section, we aim to highlight all relevant imperative judicial decisions rendered in the recent months in the area of Labour and Employment Law.

1. SHOBHA AND ORS. V. THE CHAIRMAN, VITHALRAO SHINDE SAHAKARI SAKHAR KARKHANA LTD. AND ORS. [CIVIL APPEAL NO. 1860 OF 2022]

Interest on compensation payable under Employee's Compensation Act, 1923 is payable from the date of death.

It was held that since the liability to pay the compensation to the heirs of the deceased employee under the Employee's Compensation Act, 1923 arises from the date on which the employee died, the liability to pay the interest on the amount of arrears should also be calculated from the date of the employee's death and not from the date of the order passed by the commissioner.

The court specified that the interim time before reinstatement must not be regarded as an interruption in the workers' services for any reason, and ordered the respondent to reinstate the petitioners with continuity of employment as of the day the six months' notice period expired.

2. DR. BABA SAHEB AMBEDKAR HOSPITAL AND ORS. V. KRATI MEHROTRA. [W.P.(C) 1278/2020 & CM NO.4405/2020; DATED - 11.03.2022]

Ad-Hoc woman employee entitled to maternity benefits beyond the term of contract, for pregnancy occurring during contractual period.

The Delhi High Court observed that the Maternity Benefit Act, 1961 ("MB Act") does not have a provision which links the grant of maternity benefits to be provided to a female employee to her tenure of contract, as long as the employee is eligible to receive maternity benefits under the MB Act. The Court granted maternity benefits to an ad hoc employee for a period that extended beyond the tenure of her employment contract.

3. ARJUN AHLUWALIA AND OTHERS V. AIR INDIA LIMITED. [WRIT PETITION (CIVIL) 4203 OF 2020]

Before it becomes effective or accepted, a prospective resignation can be retracted: the Supreme Court affirms-

Hon'ble Supreme Court Observation:

"The resignation tendered by an employee indicating a prospective or a future date from when the resignation is to take effect can be withdrawn at any time before it is accepted, in the absence of anything to the contrary in the applicable rules or terms and conditions of service...The moment the resignations were withdrawn, during the notice period and prior to their acceptance, they were non-est and non-existent in the eyes of law on the dates the respective decisions were taken to accept them."

The Supreme court directed the Air India Limited to reinstate the petitioners with continuity of service from the date of expiry of the six months' notice period, also stipulating that the intervening period until reinstatement shall not be treated as a break in the employees' services for any purpose. The respondent was also directed to pay back wages for such intervening period.

“WHEN A BOOK RAISES YOUR SPIRIT, AND INSPIRES YOU WITH NOBLE AND MANLY THOUGHTS, SEEK FOR NO OTHER TEST OF ITS EXCELLENCE. IT IS GOOD, AND MADE BY A GOOD WORKMAN.”

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