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TL E-BULLETIN

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Welcome to the 7th 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.

ESIC ISSUES CIRCULAR ON THE STATE-WISE UPDATED LISTED OF NOTIFIED / NON-NOTIFIED DISTRICTS UNDER THE EMPLOYEE'S STATE INSURANCE SCHEME.

The Employee's State Insurance Corporation (ESIC) vide its Circular dated 06th October, 2022 has issued the State-wise Updated List of the ESI Implementation across such Notified / Non-Notified Districts. The Circular prescribes as follows:

As on the 30th September, 2022, the State-wise status of Notified Districts is as below:

1. No. of States / UT's whose entire area is notified: 14
2. No. of States / UT's where the Scheme is partially notified: 21
3. Non-Implemented State / UT: 1 (Lakshadweep)

Therefore, the summary of Notified Districts as on the 30th September, 2022, is as follows:

1. Fully Notified Districts: 450
2. Partially Notified Districts: 148
3. Non-Notified Districts: 146

Total Number of Notified Districts out of total districts: 598 / 744

LABOUR DEPARTMENT OF U.T. OF DADRA AND NAGAR HAVELI & DAMAN AND DIU ISSUES CIRCULAR ON THE DIRECTION FOR PAYMENT OF BONUS BY ALL THE INDUSTRIAL ESTABLISHMENTS.

The Labour Department of U.T. of Dadra & Nagar Haveli and Daman & Diu, has issued directions for payment of bonus to all eligible employees by the Industrial Establishments, vide its Circular dated 10th October, 2022. Wherein, it has come to the notice of the Labour Department that the employees are exploited by some employers either by not paying or partly paying the amounts payable under The Payment of Bonus Act, 1965. Further, it has also been brought to the notice that employers do not maintain the statutory records required under the law so as to do away with the statutory liabilities and to deprive the employees of their statutory benefits.

Therefore, in light of the same, all the Industrial and other Establishments i.e. Hotels, Shops etc., Labour Contractors to whom the Act applies are directed to ensure that they pay bonus to all the eligible employees in accordance with the provision of the Payment of Bonus Act, 1965 taking into productivity consideration. Further, the employers shall also submit Annual Return in Form 'D' under The Payment of Bonus Act, 1965 immediately after making payments of bonus to employees.

MOLE ISSUES NOTIFICATION ON THE DECLARATION OF SERVICES ENGAGED IN IRON ORE MINING TO BE A PUBLIC UTILITY SERVICE.

The Ministry of Labour and Employment (MOLE), vide its Notification dated 20th October, 2022 has extended the Public Utility Service status to the services engaged in Iron Ore Mining industry for a further period of 6 months. As per the said Notification:

The Central Government has lastly declared the services engaged in iron ore mining industry to be a public utility service for a period of 6 months, with effect from the 14th April, 2022. Now, whereas the Central Government is of the opinion that public interest requires the extension of the public utility service status to the said industry for a further period of 6 months.

Therefore, the Central Government hereby declares the services engaged in the Iron Ore Mining Industry, as covered under Item 16 of the First Schedule to the Industrial Disputes Act, 1947 to be a Public Utility Service, for a further period of 6 months with effect from 14th October, 2022.

GOVERNMENT OF WEST BENGAL ISSUES THE LIST OF GAZETTED PUBLIC HOLIDAYS FOR THE CALENDAR YEAR 2023.

The Government of West Bengal, vide its Notification dated 21st October, 2022, has prescribed the list of Gazetted Public Holidays for the Calendar Year 2023.

The following details are mentioned:

(1) List- I prescribes the list of Public Holidays for the year 2023, under the Negotiable Instruments Act, 1881.
(2) List - II prescribes the list of Public Holidays for the year 2023, under the Offices of State Government.
(3) List - III prescribes the list of Sectional Holidays for the year 2023, for the employees of different communities mentioned against the day.

EPFO ISSUES CIRCULAR TO ALL ZONAL AND REGIONAL OFFICES ON THE SUBJECT CONCERNING ADMISSIBILITY OF ASSURANCE BENEFITS PAYABLE IN LIEU OF THE EDLI SCHEME, 1976.

The Employee's Provident Fund Organization (EPFO) has issued a Circular, dated 18th October, 2022 to all the Zonal and Regional Offices, on the subject concerning admissibility of assurance benefits payable in lieu of the EDLI Scheme, 1976.

For the purpose of this Circular, 2 essential points are to be considered:

(1)Procedure to Calculate the Assurance Benefit Payable - The average monthly wages drawn (subject to a maximum of ₹15,000) during the 12 months preceding the month in which he died, multiplied by 35 times plus 50% of the average balance in the account of the deceased in the fund or of a provident fund exempted under Section 17 of the Act or under Paragraph 27 to 27A of the EPF Scheme, 1952, as the case may be, during the preceding 12 months or during the period of his membership, whichever is less, subject to a ceiling of ₹1,75,000.

Provided that the assurance benefit shall not be less than ₹2,50,000 and shall not exceed ₹7,00,000.

(2) Therefore, all Zonal and Regional Offices are advised to settle the claims within 7 days and that no family members of the deceased should be harassed.

The said Circular is an internal intimation to the concerned officers in Zonal & Regional Offices, and thereby such concerned officers are accountable to have the stipulations mentioned strictly adhered to.

ESIC PRESCRIBES THE DATE OF ENFORCEMENT OF CERTAIN PROVISIONS OF THE ESI ACT IN ALL THE AREAS OF CHENGALPATTU AND KARUR DISTRICTS, IN THE STATE OF TAMIL NADU.

The Employee’s State Insurance Corporation (ESIC) vide the Ministry of Labour and Employment (MOLE) Notification dated 13th October, 2022 has prescribed the date of enforcement of certain provisions of the Employee’s State Insurance Act, 1948 in all the areas of Chengalpattu & Karur Districts in the state of Tamil Nadu, effective from 01st November, 2022.

As per the said Notification, the following provisions of the Employee's State Insurance Act, 1948 are being enforced in all the areas of Chengalpattu & Karur Districts, in the State of 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 GOA ISSUES THE LIST OF PUBLIC HOLIDAYS FOR THE CALENDAR YEAR 2023.

The Government of Goa, vide its Notification dated 19th October, 2022, has prescribed the list of Public Holidays for the Calendar Year 2023.

The following details are mentioned:

1. Annexure-I prescribes the list of Public Holidays, for all the Government Offices.
2. Annexure-II prescribes the list of Special Holidays, for all the Government Offices.

3. Annexure-III prescribes the list of Restricted Holidays for the Year 2023. (In addition to the Holidays specified in Annexure-I & Annexure-II, employees are permitted to avail any 2 holidays from this list.)
4. Annexure-IV prescribes the list of Commercial & Industrial Holidays for the Commercial and Industrial Workers in Goa.
5. Annexure-V prescribes the list of Bank Holidays for the Year 2023, under Section 25 of Negotiable Instruments Act, 1881.

GOVERNMENT OF PUDUCHERRY ISSUES NOTIFICATION PERMITTING ALL SHOPS AND ESTABLISHMENTS IN THE UT TO REMAIN OPEN FOR 24X7 HOURS ON ALL DAYS OF THE YEAR.

The Government of Puducherry vide its Notification dated 27th October, 2022, has permitted all shops and establishments employing 10 or more persons, to be open for 24x7 hours on all days of the year. The said permission shall be in force for a period of 3 years, with effect from the date of publication of this Notification, unless it is revoked and subject to the following conditions as prescribed:

(1) Every Employee shall be given 1 day holiday in a week on rotation basis, and the details of every employee shall be provided in 'Form IX' added to the Puducherry Shops & Establishments Rules, 1964 and shall be exhibited by the Employer in a conspicuous place in the establishment.

(2) Every Employer shall exhibit the details of the Employees who are on holiday / leave, on daily basis, in a conspicuous place in the establishment.

(3) The wages including overtime wages of the Employees shall be credited to their respective savings bank account.

(4) An Employer shall not require or allow any person employed to work therein for more than 8 hours in any day and 48 hours in any week and the period of work including over time shall not exceed 10.5 hours in any day and 57 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 Puducherry Shops & Establishments Act, 1964 and the Puducherry Shops & Establishments Rules, 1964.

(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 to 6:00 am, subject to providing adequate protection of their dignity, honour and safety.

(7) Transport arrangements shall be provided to the Women Employees who work 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 & Redressal) Act, 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 Puducherry Shops & Establishments Act, 1964 and the Puducherry Shops & Establishments Rules, 1964.

(11) In the case of violation of any statutory provisions 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 Puducherry Shops and Establishments Act, 1964 and the Puducherry Shops and Establishments Rules, 1964.

ESIC ISSUES CIRCULAR OF DIRECTION AGAINST EXERCISING STRICTER VIGILANCE BY EMPLOYERS OVER USAGE OF LOGIN CREDENTIALS WHILE REGISTERING THE EMPLOYEES IN THE ESIC PORTAL.

The Employee's State Insurance Corporation (ESIC) vide its Circular, dated 25th October, 2022 has issued a direction to all the Employers against exercising stricter control and vigilance over the usage of login credentials while registering the Employees in the ESIC Portal. The following directions are issued:

(1) Whilst scrutinizing the employee database attached to the employers, the ESIC has found that the bank account numbers of many employees were tagged to a single common bank account number. In fact, each employee should have a unique bank account number.

(2) Many employees having the same account number is seen as a serious flaw. Further, it paves way for misuse of benefits payable to the Insured person by some vested interests.

(3) Some HR personnel/external consultants who have been assigned with the task of employee registration for the firm, using the firm's login credentials, were suspected to carry out this modus operand to misappropriate and siphon off the benefit payments into their accounts.

(4) The above act amounts to "cheating" as per IPC and moreover, since the interpolation is being done using the firm's credentials, "the firm" too becomes a party to the connivance and stands exposed to prosecution under IPC.

Therefore, in light of the above-stated, ESIC wishes to alert all the Employers to exercise stricter control and vigil over usage of login credentials while registering the Employees in ESIC portal to avoid such pitfalls. Further, all Employers are requested to ascertain that bank and other details of employees are properly fed into the portal while registering the employees and also, to ensure that the data is fed in only on the basis of valid supporting documents.

GOVERNMENT OF BIHAR ISSUES THE LIST OF PUBLIC HOLIDAYS FOR THE CALENDAR YEAR 2023.

The Government of Bihar, vide its Notification has declared the list of Public Holidays for the Calendar Year 2023. The List entails Public Holidays for the following sectors:

i. Annexure – I prescribes the List of Public Holidays for Revenue Departments and Courts.
ii. Annexure – II prescribes the List of Public Holidays for all the Offices under State Government.
iii. Annexure – III prescribes the List of Public Holidays under the Negotiable Instruments Act, 1881.
iv .Annexure – IV prescribes the Public Holiday for Banks, to enable them to close yearly accounts.

GOVERNMENT OF TELANGANA PRESCRIBES CONDITIONS FOR EXEMPTIONS FROM RESTRICTIONS ON EMPLOYING WOMEN EMPLOYEES DURING NIGHT SHIFTS IN SHOPS & ESTABLISHMENTS.

The Government of Telangana has issued a Notification, dated 13th October, 2022 pursuant to Section 73 of the Telangana Shops & Establishments Act, 1988 exempting all shops & establishments in the state from restrictions on employing women employees during night shifts between 8:30 p.m. to 6 a.m., under the Ease of Doing Business.

The following conditions are mandated to be fulfilled while engaging women employees during night shifts, i.e., between 8:30pm to 6am in all the shops & establishments within the state-

(1) Consent of women employees shall be obtained in writing to work in night shifts;

(2) The establishment shall provide transport facilities from the residence of the woman employee to the workplace and back, free of cost and with adequate security. Such transport facility shall have GPS for tracking and monitoring;

(3) Employment of women employee shall be on rotation basis;

(4) The safety and security measures shall include provision of shelter, rest rooms, lunch rooms, night crèches and ladies toilets, adequate protection of their privacy, dignity, honour and safety, protection from sexual harassment, employment of at least five (5) women employees together.

(5) The said relaxation shall not apply to a woman employee during the period of 16 weeks before and after her childbirth, of which at least eight (8) weeks shall be before the expected childbirth, and for such additional period, if any, as specified in the medical certificate stating that it is necessary for the health of the woman employee or her child.

(6) Adequate number of security guards shall be posted during night shift;

(7) Transport & Safety:

a) The establishment shall obtain Bio-data of each driver and conduct pre employment screening of the antecedents of all drivers employed.

b) The Schedule of route of pick-up and drop shall be decided by the supervisory officer of the company only. In case of exigencies, change of drivers/ routes/shifts shall be allowed only with the prior knowledge of supervisory officers/employees;

c) The personal details, particularly mobile phone numbers, email ID and address of the women employees shall not be disclosed to unauthorized persons;

d) Careful selection of routes shall be made in such a way that no women employees shall be picked up first and dropped last;

e) The company shall provide security guards at work place and night shift vehicles when women employees are being picked up first or dropped last;

f) The designated supervisors of the company or service provider shall randomly check the vehicles on various routes as for as possible;

g) The establishment shall have a control room/travel desk for monitoring movement of vehicles;

h) The Company shall maintain the records and furnish returns as prescribed by the State Government within time.

If any establishment fails to comply with the above conditions, it may lead to cancellation of the Registration Certificate and /or withdrawal of the above exemption in respect of such establishment. Further, the exemption granted under this order may be revoked at any time without any prior notice.

GOVERNMENT OF KERALA ISSUES THE LIST OF GAZETTED PUBLIC HOLIDAYS FOR THE CALENDAR YEAR 2023.

The Government of Kerala, vide its Notification dated 27th October, 2022, has declared the list of Gazetted Public Holidays for the Calendar Year 2023.

The following details are mentioned:
1. List of Public Holidays to the Public Offices under the Government of Kerala, for the Calendar Year 2023.
2. List of Restricted Holidays to the Public Offices under the Government of Kerala, for the Calendar Year 2023.
3. List of Public Holidays under the Negotiable Instruments Act, 1881 for the Calendar Year 2023.

GOVERNMENT OF ANDHRA PRADESH PRESCRIBES CONDITIONS FOR EXEMPTIONS FROM RESTRICTIONS ON EMPLOYING WOMEN WORKERS DURING NIGHT SHIFTS IN FACTORIES.

The (Director of Factories) Government of Andhra Pradesh has issued a Circular, dated 25th October, 2022 prescribing the conditions for exemptions from restrictions on employing women workers during night shifts, i.e., 7 pm to 6 am in factories.

A previous Circular dated 04th April, 2015 was issued by the Director of Factories, wherein it was clarified that women may be employed in factories in the night shifts i.e., after 7 p.m. and before 6 a.m., subject to the condition that the managements of such factories shall provide adequate safe guards in their factories to ensure occupational safety and Health of women employees; provide amenities like Rest rooms, Lunch rooms, crèche rooms and Toilets for women employees besides adequate protection to ensure their dignity, honour, protection from sexual harassment and transportation from the factory to the door step of their residence.

In continuation of the above clarification, it is further clarified that the managements of factories employing women workers in the night shifts shall comply with the following additional conditions to ensure the Occupational Safety and Health of Women Workers.

(i) Consent of each women worker required or allowed to be engaged in the night shifts shall be taken in writing in advance.

(ii) No women worker shall be employed against the maternity benefit provisions laid down under the Maternity Benefit Act.

(iii) Adequate transportation facilities shall be provided to all women workers to pick up as well as dropping at their residence.

(iv) The workplace including passage towards conveniences or facilities concerning toilets, washrooms, drinking water, and entry and exit of women employees should be well-lit.

(v) The toilet, washroom and drinking facilities should be near the workplace where such women workers are employed.

(vi) Provide safe, secure and healthy working conditions such that no women worker is disadvantaged in connection with her employment; and

(vii) The provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 as applicable to the establishments, shall be complied with.

GOVERNMENT OF ANDHRA PRADESH GRANTS EXEMPTION TO ALL RETAIL ENTERPRISES TO KEEP OPEN EVERY DAY OF THE YEAR FOR A PERIOD OF 5 YEARS.

The Government of Andhra Pradesh vide its Notification, dated 31st October, 2022 has hereby granted exemption to all Retail Enterprises from the following sections:

(i) Section 7 - Opening and Closing Hours of Shops
(ii) Section 9 - Daily and Weekly Hours of Work in Shop
(iii) Section 12 - Closing of Shops and Grant of Holidays
(iv) Section 23 - Special Provision for Women
(v) Section 31 - Other Holidays
(vi) Section 37 - Wages for Overtime Work

The said Notification permits all Retail Enterprises in the State, to keep open on all days of the year for a period of 5 Years with effect from 31st October, 2022. The said Exemption to all the Retail Enterprises is only granted subject to the following conditions:

(1) Retail Enterprise is a "Shop" as defined under Section 2 (21) of the Andhra Pradesh Shops & Establishments Act, 1988.

(2) Retail Enterprises shall be allowed to stay open every day of the year provided that the Employees are given compensatory, compulsory weekly holiday on a preferential basis without any deduction of benefits, monetary and otherwise. List of such holidays for a month shall be placed on notice boards in advance.

(3) Working hours of the Employees shall be a maximum of 8 hours per day and not more than 48 hours in a week. Manpower deployment details shall be added to the application for registration by the Employer, which is now online under the Integrated Registration Act, 2015.

(4) Record of overtime shall be maintained in wages register separately in respect of the Employees who worked beyomd normal working hours and wages for overtime shall be paid to all eligible employees at twice the ordinary rate of wages.

(5) The Employees working on a National Festival or other holiday shall be given a compensatory holiday with wages at twice the ordinary rate of wages for work on a holiday. Compensatory holiday to such Employees shall be given within 30 days from the date of holiday.

(6) Retail Enterprises shall be allowed to operate between 6AM and 11 PM, provided Employees work in a minimum of two shifts with a minimum of one hour changeover period, subject to the condition that the employer shall furnish the shift-wise Employee details specifying weekly holiday for each of the Employees.

(7) Employment of Women shall be permitted in all shifts, subject to the enterprises ensuring safe and secure working environment and secure conveyance from workplace to place of residence. The Employer shall be solely responsible for ensuring the above till women employees reach respective place of residence.

(8) Retail enterprises are allowed to offer part-time employment subject to the working hours for part time employees being expressly specified. Minimum per hour wage rate shall be proportionately determined in accordance with minimum monthly wage rate specified under Minimum Wages Act. Retail unit cannot engage more than 25% of its Employees as part time employees. This would be subject to the enterprises strictly adhering to laws regarding child labour and other similar applicable laws.

(9) Wages and any other remuneration of all employees shall be paid only by way of remittance in the bank account of the employee.

(10) All Employees will be provided with appointment letters and a copy shall be furnished on line, to the Inspector having jurisdiction.

(11) EPS & ESI contributions of both Employee as well as Employer shall be remitted every month.

(12) Retail Enterprises are allowed to maintain record like wages register, muster-roll in respect of the Employees in electronic form which shall be accessible online to the Inspector under the Act.

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 4 new proposed Labour Codes which were due to be implemented on the 1st July, 2022, seems to have been deferred as of now, owing to multiple states not adhering and considering the terms of its execution. With endless controversy surging in the corridors of many corporates as well as in the Labour Ministry on the said proposed Labour Codes, which are now slated to be effective on a later date due to the non-agreement and non-cooperation of around 6 States / UT's, its near future implementation and prominent changes that are to be effectuated, appears sparingly impracticable.

At this juncture, a brief summary of the Publication status of States / UT's on their Draft Labour Code Rules is appended below:

1. Count of the Draft Wages Rules – 31 States / UT's
2. Count of the Draft Occupational Safety, Health and Working Conditions Rules – 25 States / UT's
3. Count of the Draft Industrial Relations Rules – 27 States / UT's
4. Count of the Draft Social Security Rules – 27 States / UT'S

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. LAKHWINDER P SINGH VS. IIHMR AND OTHERS

[WRIT PETITION CIVIL 844/2017]

"APPEAL UNDER PREVENTION OF SEXUAL HARASSMENT LAW IS NOT MAINTAINABLE IN ABSENCE OF ANY RECOMMENDATION MADE BY THE INTERNAL COMMITTEE": DELHI HIGH COURT

An ex-employee of the respondent petitioned the Delhi High Court to invalidate the findings of the Internal Committee (IC), that the Employer established in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. While the Internal Committee had undertaken an investigation and determined that the former Employee cannot be exonerated of the allegations of sexual harassment (leaving an ambiguous conclusion in this regard), the termination order by the management did not specify any recommendations made by the Internal Committee.

The Court determined that if Section 13 (Provisions connected to Inquiry Reports) and Section 18 (Provisions related to Appeals) of the POSH Act were read together, it would be evident that an appeal could only be made if the Employee had not been found guilty of the charge against them or if the Internal Committee had found them guilty and recommended disciplinary action as a result. If a request is made to deduct money from a person's pay or compensation, the report may also be contested. There was no option to choose an appeal in the current case because the Internal Committee had not provided any suggestions. This was due to the fact that the dismissal did not appear to be a result of any recommendations made by the Committee. Accordingly, the Court noted that an appeal under Section 18 of the POSH Act is not maintainable in absence of any recommendation made by the Internal Committee under Section 13 of the Posh Act.

2. ABHIMANYU LAXMAN KUMBHAR VS. THE MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED AND OTHERS

[WRIT PETITION NUMBER 14327 OF 2021]

"EMPLOYER NOT JUSTIFIED IN DENYING WAGES TO THE EMPLOYEE DURING PENDENCY OF APPEAL AGAINST HIS ACQUITTAL ON THE PRINCIPLE OF 'NO WORK NO PAY'": BOMBAY HIGH COURT.

The Bombay High Court discussed if an Employer is justified in denying wages to the Employee during pendency of appeal against his acquittal on the principle of 'no work no pay'. The Court held that as the Employer was responsible for prolonging the period of wages by not immediately reinstating the Employee on his acquittal, which was delayed without any justification, they cannot deny paying the wages.

The Court also said that mere pendency of appeal against the acquittal would not entitle the Employer to continue the penalty of removal from service. Till the judgment of acquittal was reversed in appeal, all the effects of acquittal would continue to apply with respect to the Employee.

3. SAMIULLA B VS. STATE OF KARNATAKA

[WRIT PETITION NUMBER 9520 OF 2022]

"AN EMPLOYEE, WHO IS TERMINATED FROM THE ORGANIZATION CANNOT INITIATE CRIMINAL PROCEEDINGS AGAINST THE ORGANIZATION FOR THE ALLEGED CRIMINAL BREACH OF TRUST AND CHEATING" : KARNATAKA HIGH COURT

The Karnataka High Court ruled that criminal proceedings cannot be permitted to progress because they exploit the legal system and lead to a miscarriage of justice when they are started as a substitute for suing the Employer directly for the necessary relief.

The Employee's services were terminated in the current situation owing to a lack of work and funding for the organization, with the understanding that they would be hired back once the group was financially able to restart operations. The Court noted that the termination in this case took place after the Employer suffered financial losses and after observing the findings of the law regarding due process. As a result, it was impossible to proceed with criminal proceedings based on the accusations of criminal breach of trust and cheating (the existence of which was not even remotely proven in the case).

“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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