

# AIBEA's

# LEGAL NEWS

**Q – 3 JULY - SEPTEMBER 2026**

**ALL INDIA BANK EMPLOYEES' ASSOCIATION**

# LEGAL NEWS

## From AIBEA

BULLETIN Q – 3
JULY – SEPT. 2026

## JULY – 2026

**DEATH IN COURSE OF DUTY**

**Entitlement to Compensation** – Petitioner's husband died on account of COVID – Claim of Petitioner for compensation based on circular from Respondent-corporation on account of death of her husband was rejected, hence this petition – Whether, Petitioner entitled to compensation as per impugned circular – *Held*, Respondent-corporation is a State Government Public Undertaking – Respondents have already deposited Rs. 5,00,000/- in the Bank Account of Petitioner for the reason that case of husband of Petitioner is ineligible to get Rs. 50,00,000/- - Husband of Petitioner involved in supervising traffic as such would fall within parameters of Circular – In discharge of his duty, deceased came in contact with persons who were actually involved in driving buses thereby exposing him to same risk as the drivers and conductors – Petitioner entitled to Rs. 50,00,000/- by adjusting the amount of Rs. 5,00,000/- which is already paid – Petition allowed. [*Sunita Babu Jagtap v. Chairman, MSRTC*]

**(S.M. MODAK, J.)**
**2026-III-LLJ-150 (Bom)**

**DISCIPLINARY PROCEEDING**

**Extension of time** – Industrial Disputes Act, 1947 – Petitioner dismissed from service by order of management – In industrial disputes raised by him, Labour Court set aside disciplinary proceedings and remitted matter to management to initiate fresh disciplinary proceedings – On application, Labour Court granted extension of time to complete disciplinary proceedings – Whether, further extension of time sought by management to complete disciplinary proceedings permissible – *Held,* in absence of express provision in Act prohibiting extension of time after period of 30 days from date of publication of award, such power is always available to Labour Court functioning under provisions of Act – Petitioner not entitled to any relief – Petition dismissed. [*I. Bindhu v. Thiruvananthapuram Service Co-Operative Bank*]

**(GOPINATH P., J.)**
**2026-III-LLJ-201 (KER)**

**DISMISSAL**

**Jurisdiction of court** – Industrial Disputes Act, 1947, Section 11A – Order passed by Disciplinary authority wherein Respondent was dismissed from service – Labour Court set aside order of dismissal and directed Management to reinstate Respondent-workman, hence this petition – Whether, order of Labour court, justified – *Held*, procedure adopted by disciplinary authority cannot be said to be contrary to law – Senior Manager acted within scope of authority conferred under the Certified Standing Orders while passing the order of dismissal – Consequently, the order of dismissal, not liable to be set aside on the ground of lack of jurisdiction – Labour Court, despite having held that the domestic inquiry was fair and proper, failed to appreciate that the material available on record satisfied the test of

preponderance of probabilities – Instead of confirming the punishment imposed by the disciplinary authority, the Labour Court proceeded to interfere with the punishment by exercising its discretionary power under Section 11A of the Industrial Disputes Act – Such exercise of discretion, in the absence of cogent and convincing reasons, cannot be sustained in law – Modification of punishment appears to have been made casually and without adequate justification – Impugned award legally unsustainable – Petition allowed. [*Sodexo Food Solution v. B. Keshava Murthy*]

**(JYOTI M, J.)**
**2026-III-LLJ-144 (Kant)**

**ENHANCEMENT OF DEARNESS ALLOWANCE**

**Retired Employees** – Constitution of India, 1950, Article 14 – Retired employees of State Road Transport Corporation filed petitions questioning lower rate fixed for enhancement of DR on pension than what was fixed for enhancement of DA on salary – Single Judge dismissed petitions – Division Bench allowed appeals holding that classification between employees and Pensioners not justified, hence these appeals – Whether there could be higher rate for enhancement of DA than what it is for DR, if DA and DR were to be added on salary and pension payable to serving employees and retired employees, respectively – *Held*, object and purpose of dearness allowance/ dearness relief was to mitigate hardship faced by salaried employees/pensioners on account of inflation – Government Order in question increases rate of DA by 14% and DR by 11% even though increase was to serve common object, which was to mitigate hardship faced by serving employees and pensioners on account of inflation – Inflation hits both serving and retired employees with equal force, therefore, differentiating two *qua* rate of increase of DA and DR, had no rational nexus to object sought to be achieved – Financial crunch might be guiding factor to defer disbursement of certain benefits or may justify separate dates for implementation of beneficial schemes but once decision was taken to provide certain allowances as also to increase them, based on inflation, fixing higher rate of increase for ones who were serving than ones who had retired, would be arbitrary and violative of Article 14 of Constitution – Appeals dismissed. [*State of Kerala v. M. Vijayakumar*]

**(MANOJ MISRA, J.)**
**2026-III-LLJ-55 (SC)**

**FAMILY PENSION**

**Casual labourers** – Central Civil Services (Temporary Service) Rules, 1965, Rule 10 – Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1991 – Appellants, either former employees or legal representatives of employees who had rendered long years of service under Department of Posts as casual labourers filed application seeking pensionary benefits – Tribunal allowed application but High Court set aside orders passed by Tribunal, hence these appeals – Whether temporary status casual labourer, in absence of formal order of regularization, would be entitled to pensionary benefits on superannuation or not – *Held*, when statutory framework including Rules 1965 is read in conjunction with Scheme and Circular, conclusion which emerges is that casual labour, on being conferred temporary status, upon completion of three years of continuous service as temporary status casual labourer becomes entitled to benefits admissible to temporary Group 'D' employees, which necessarily includes pensionary benefits available under Rule 10( 1-B) of Rules 1965 subject, to fulfilling eligibility criteria provided therein – This right is not dependent on regularization – Temporary status casual labourer would be entitled to pensionary benefits on superannuation even in absence of regularization – While entitlement of Appellants to pensionary and consequential retiral benefits stood established, arrears thereof, wherever applicable, shall remain confined to period of three years and two months preceding date of filing of respective Applications before Tribunal, consistent with settled principles governing service jurisprudence – Appeals allowed. [*Bhikhani Devi v. Union of India*]

**(AUGUSTINE GEORGE MASIH, J.)**
**2026-III-LLJ-1 (SC)**
**LNIND 2026 SC 540**

**MISCONDUCT**

**Compulsory Retirement** – Disciplinary Authority imposed punishment of compulsory retirement to Respondent for misconduct – Appeal preferred against it dismissed by Appellate Authority – High Court affirmed award passed by Labour Court by setting aside such punishment of compulsory retirement imposed upon Respondent and directed his reinstatement – Whether, impugned order of High Court, sustainable – *Held*, Tribunal acted in a manner as if it was hearing an appeal against order passed by Disciplinary Authority – In departmental proceedings strict rules of evidence could not be applied and a charge of misconduct is to be proved only on preponderance of probabilities – Tribunal despite finding that it was highly possible that such irregular entries made by Respondent as he was beneficiary of those irregularities, had interfered with impugned punishment order passed by Disciplinary Authority – Enquiry Officer as well as Disciplinary Authority as bank officers could have gained sufficient experience in identifying signatures of customers and their fellow employees from perspective of banker's eye – It could not be said that order passed by Disciplinary Authority based on no evidence – Tribunal erred in interfering with punishment order – Compulsory retirement of an employee from services does not mean that employee not entitled to retirement benefits, which can only be denied in a case of dismissal from service – Impugned Order passed by Tribunal as well as High Court, set aside – Order passed by Disciplinary Authority, affirmed – Appeal disposed of. [*GM (P) Canara Bank v. Ganganarasimhaiah*]

**(VIJAY BISHNOI, J.)**
**2026-III-LLJ-97 (SC)**
**LNIND 2025 SC 901**

**REGULAROZATION**

**Casual Worker –** On reference, Tribunal directed regularization of service of workman-casual worker and that he would be entitled for regularization on permanent basis as and when there is permanent vacancy in the bank – Whether, Tribunal gone beyond terms of reference – *Held*, numerous directions were passed to the management to produce records, but management did not produce the records and from the evidence of the management itself, it revealed that concerned workman was being paid Rs. 18 per day only through voucher – Adverse inference drawn by Tribunal against management on account of non-production of records in accordance with law – Tribunal could not have granted relief of regularization of workman against future permanent vacancy – Tribunal gone beyond terms of reference – Impugned award, set-aside only to extent it directs regularization of workman against future permanent vacancy – Directions to treat the workman as 'casual workman' and to give wages as prescribed for 'casual workmen' do not call for any interference – Petition disposed of. [*United Commercial Bank v. Union of India*]

**(ANUBHA RAWAT CHOUDHARY, J.)**
**2026-III-LLJ-130 (Jhar)**

**Daily wage workers** – Petition to quash order passed by 3rd Respondent by which claim of Petitioner for regularization of his services with effect from earlier date had been rejected and to direct Respondents to regularize his services in terms of regularization policy and decision – Whether impugned order liable to be set aside – *Held*, States tend to formulate policies in order to circumvent implementation of judgments rendered by Constitutional Courts – More often than not, claim for regularization was neither accepted not denied and applicant was kept in limbo unnecessarily – Extended ad-hocism of keeping daily wage workers or contractual employees on temporary rolls for decades while extracting regular work was not only unconstitutional but undermines equality and dignity – State and its instrumentalities being model employer can't perpetuate such exploitation and use excuses like financial constraints, non-availability of sanctioned post, and lack of qualification or decision by Hon'ble Apex Court in State of Karnataka v. Umadevi, as talisman to deny well deserved regularization on account of their perennial nature of long periods of work at par with their counterparts working on regular posts – Impugned order passed entirely on basis of affidavit, which was illegal document and obtained from

Petitioner forcibly to deny him rightful claim regarding seniority and other service benefits – 3rd Respondent directed to treat present petition as comprehensive representation and decide same in light of Full Bench judgment of this Court in Kesar Chand's case and judgments rendered by this Court, after affording opportunity of hearing – Petition disposed of. [*Khazan Singh v. State of Haryana*]

**(HARPREET SINGH BRAR, J.)**
**2026-III-LLJ-123 (PNH) LNIND 2026 PNH 1**

**Maintainability of Petition** – Petitions field challenging rejection by Opposite Party-Bank for their claim to get benefit of regularization – Whether, Petitioners entitled for regularization – *Held*, Petitioners were working on daily wage basis as Part Time Sweeper in different branches of Bank, therefore, petition challenging rejection of claim of regularization, maintainable – Since as per policy of Amalgamation, the Opposite Party took over assets and liabilities of United Bank of India, it could not be held that there was no employer and employee relationship in between Petitioners who were engaged by previous Bank and Opposite Party – Engagement of Petitioners not irregular – Action of Opposite Party, not sustainable – Opposite Party directed to consider Petitioner's claim to get benefit of regularization – Petitions disposed of. [*Muktesh Munda v. Punjab National Bank*]

**(BIRAJA PRASANNA SATAPATHY, J.)**
**2026-III-LLJ-185 (Ori)**

**Work Charged/Muster Roll workers** – Constitution of India, 1950, Article 14 – Division Bench of High Court, set aside judgment and order passed by Single Judge, thereby reversing direction of regularization and consequential benefits granted in favour of Appellants/Work Charged and Muster Roll workers, hence these appeals – Whether direction of regularization given by Single Judge liable to be affirmed – *Held*, engaging workers on muster rolls was consistently employed policy of State which continued for prolonged period of time – Appellants were not engaged for sporadic or seasonal purposes but were taken on muster rolls and had rendered continuous service for decades in departments performing regular governmental functions – State itself acknowledged magnitude of issue and framed Cabinet policy to regularize similarly situated workers, acting upon it in respect of nearly thirty thousand employees – To deny consideration to fraction of remaining eligible workers including Appellants, by taking shelter under rigid reading of *Secretary, State of Karnataka v. Umadevi* would defeat very principles of fairness and non-arbitrariness – This Court unable to accept contention that Appellants could not be granted regularization on ground that they were not initially appointed against duly sanctioned posts – In absence of any cogent distinction or reasoned decision justifying exclusion of Appellants, action of State was manifestly arbitrary – It was inconsistent with its obligation to function as model employer and did not withstand scrutiny under Article 14 of Constitution – Judgment passed by Division Bench set aside and that of Single Judge affirmed – Directions passed – Appeals disposed of. [*Sukhendu Bhattacharjee v. State of Assam*]

**(SANDEEP MEHTA, J.)**
**2026-III-LLJ-21 (SC)**

**SELECTION PROCESS**

**Seniority** – Tamil Nadu Electricity Bord (Service Regulations), 1967, Regulation 87 – Petitions filed by internal selectees dismissed by Single Bench holding that directly recruited employees entitled to seniority from date of their initial appointment – Division Bench set aside such order and directed re-drawing of seniority list treating all candidates were appointed in the year 2002, hence these appeals by Direct recruits – Whether, impugned judgment by High Court, sustainable – *Held*, direct recruits were selected and appointed in December 2000 to March 2001 whereas the internally selected candidates were appointed by way of promotion in May 2002 – Person said to be on 'duty' when he is performing duties of post or is undergoing probation or training prescribed for the post – Regulation 87 clearly mentions that a person shall be appointed to a class of service when he discharges for first time the duties of the post or commences probation or training prescribed – Date of commencement of probation shall be the date on

which he joins duty irrespective of seniority – No Regulation cited to infer that seniority is to be counted from date a candidate starts his probation – Seniority of direct recruit to be counted from first date of their joining – Impugned judgment passed by High Court, set aside – Appeals allowed. [*M. Thanigivelu v. Tamil Nadu Electricity Board*]

**(RAJESH BINDAL, J.)**
**2026-III-LLJ-86 (SC)**
**LNIND 2026 SC 271**

**SETTLEMENT**

**Seniority** – Industrial Disputes Act, Sections 10 and 18 – Petition filed challenging action of 3rd Respondent in issuing memo granting seniority to 4th to 9th Respondents on basis of their joining in post as being illegal and contrary to Memorandum of Understanding (MoU) – Whether impugned proceedings to extent of granting seniority to 5th to 9th Respondents on basis of their date of joining liable to be set aside – *Held*, application filed by Union before Labour Court show that it was specific case of Petitioner therein that its member (*i.e)* 4th Respondent was not granted promotion, while his juniors were promoted and that his date of joining had been altered by Respondents – Award, being fact specific Award, private Respondents who were neither parties to Industrial Dispute nor having initiated similar proceedings like seeking reference under section 10 as initiated by 4th Respondent or impleading as parties before labour court, could not have been allowed to slip in, to claim benefit of Award – Unions while pending specific dispute raised by 4th Respondent, had entered into MoU with 1st to 3rd Respondents – Said MoU was to be considered as settlement as defined under section 2(p) and binds all employees under section 18(1) – 5th to 9th Respondents could not speak contrary to said settlement, by claiming their seniority on basis of their joining into particular service – Once, Settlement arrived at with unions, was in force, it was not open for workers to claim that they were not bound by terms of settlement/MoU and any such *plea* even if raised was liable to be rejected – Impugned proceedings by which 1st to 3rd Respondents have conferred benefits of Award passed by Labour Court in case of 5th to 9th Respondents was *malafide* and vitiated and could not be sustained – Impugned proceedings to extent of inclusion of names of 5th to 9th Respondents, set aside – Petition allowed. [*P. Ramasundaram v. Tamil Nadu Electricity Board*]

**(T. VINOD KUMAR, J.)**
**2026-III-LLJ-225 (Mad)**

## AUGUST - 2026

**APPROVAL FOR TERMINATION**

**Jurisdiction of Labour court –** Industrial Disputes Act, 1947, Section 4 – Tamil Nadu Industrial Disputes Rules, 1958, Rule 64 – Management decided to terminate services of Respondent for criminal misconduct **-** On Petition filed by Management seeking approval, Deputy Commissioner approved such termination – Labour Court treated domestic inquiry as nullity and permitted Management to let in evidence – Whether, direction given to Management to once again let in evidence before labour Court to prove fairness of domestic enquiry was incorrect – *Held*, contrary to finding of labour Court, evidence was not adduced – No provision under Act which enables workman or Management to file appeal before Tribunal questioning refusal or acceptance of approval application – Once dismissal is approved, workman can file an Industrial Dispute – Section 4 of Act and Rule 64 of Rules said that Conciliation Officer while considering Approval Petition might summon any witness and examine and also compel production of documents – Labour Court is at liberty to disagree with conclusions drawn in Approval proceedings but cannot decide issue regarding correctness of domestic enquiry sitting in an appeal against approval by Conciliation Officer – Impugned order, set aside – Petition allowed. [*Kothari Petrochemicals Ltd v. M. Sivakumar*]

**(K. SURENDER, J.)**
**2026-III-LLJ-360 (Mad)**

**DENIAL OF BACK WAGES**

**Pensionary Dues** – Petitioner after reinstatement sought for pensionary benefits from respondent – Whether, Petitioner entitled to retiral dues and arrears of salary from date he dismissed from service till date of reinstatement – *Held*, if employee willing to discharge duty but not allowed by employer then principle of no work no pay will not be applicable – Employee whose services terminated and desirous of getting back wages required to plead that he was not gainfully employed elsewhere – Burden of proof of existence of particular fact lies on person who makes positive averment about its existence – Lack of infrastructure is principal cause for delay in disposal of cases – Employer is in advantageous position vis-à-vis employee – Petitioner was forcefully deprived from discharging his duty – Once litigant contesting case for it could not be said that he was not interested to discharge his duty – Despite dismissal order set aside respondent-department failed to reinstate petitioner – Petitioner willing to discharge his duty but respondents not allowed him – Impugned order of denial of back wages, set aside – Petition disposed of. [*Baijnath Mahto v. Central Coalfields Ltd*]

**(SUJIT NARAYAN PRASAD, J.)**
**2026-III-LLJ-400 (Jhar)**

**DISMISSAL**

**Validity of Enquiry** – Appellant dismissed from service for misappropriation of money – High court dismissed petition filed by Appellant against dismissal of service, hence this appeal – Whether, Appellant rightly dismissed from service on basis of enquiry held against him – *Held*, there was no categorical admission of the charge by the Appellant – In a departmental enquiry unless charge is admitted, the burden to prove charge lies on employer – No admission of guilt *qua* charge – Petitioner-Appellant had denied charges made against him – Department had not produced any witness in the enquiry even though the charges levelled upon Appellant were denied by him, therefore, the enquiry stood vitiated – Once the enquiry stood vitiated, the consequential order of punishment/recovery cannot be sustained – Impugned judgment, set aside – Order of dismissal, set aside – Appeal allowed. [*Jai Prakash Saini v. MD, U.P. Coop. Federation Ltd*]

**(MANOJ MISRA, J.)**
**2026-III-LLJ-278 (SC)**
**LNIND 2026 SC 307**

**INDUSTRIAL DISPUTE**

**Engagement of Legal Practitioner –** Industrial Disputes Act, 1947, Section 36(4) – Constitution of India, 1950, Article 14 – In an Industrial dispute raised by Petitioners-workman before Labour Court challenging their termination order, application filed by Respondent no. 2 for restraining them from engaging legal practitioner was allowed – Whether, parties can engage legal practitioner on their behalf in industrial dispute before Labour Court – *Held*, a workman can have assistance of a lawyer of his choice, if those names are in panel of legal aid services and such legal assistance can be obtained free of cost – When same benefit denied to management on the basis of workmen not giving consent in terms of Section 36(4) of Act, certainly it will result in an imbalance being created in defending the case before *quasi-judicial* body and it will violate Article 14 of Constitution – Impugned order, set aside – Petitioners permitted to engage legal practitioner on their behalf to appear before Labour Court – Petition allowed. [*Registrar, Anna University v. Presiding Officer*]

**(G.K. ILANTHIRAIYAN, J.)**
**2026-III-LLJ-327 (Mad)**
**LNINDORD 2023 MAD 1692**

## INDUSTRIAL DISPUTES

**Additional Evidence** – Industrial disputes raised by workmen who were suspended from service, allowed by Labour Court and such order confirmed by writ Court – Whether, Labour Court erred in allowing industrial disputes raised by workman – *Held*, when Labour Court decides that domestic enquiry is fair and proper, question of deciding preliminary issue regarding fairness of enquiry does not arise – Labour Court passed award reinstating workmen on basis of report of domestic enquiry without granting opportunity to Management to let in additional evidence though Management expressed their willingness to let in additional evidence which resulted in denial of opportunity to Management which they expressly sought – Whenever Labour Court forms opinion that domestic enquiry not conducted in fair manner then said issue is to be decided as preliminary issue in order to provide opportunity to parties to express their willingness to let in additional evidence – Impugned order, set aside – Matter remanded back to Labour Court – Appeals allowed. [*Suolificio Linea Italia v. K. Sachudanandam*]

**(S.M. SUBRAMANIAM, J.)**
**2026-III-LLJ-319 (Mad)**

## REGULARIZATION OF SERVICE

**Settlement Between Parties** – Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981, Section 3(1) – Industrial Disputes Act, 1947, Section 12(3) – Constitution of India, 1950, Article 254(2) – Employees sought for regularization of their service and such relief granted by Assistant Commissioner from date of their initial appointment – Single Judge dismissed petitions filed by Management – Whether, statutory right conferred under Section 3(1) of Act 1981 would override settlement under Section 12(3) of Act 1947 – *Held*, repugnancy between the Permanent Status Act which is a State law and the Industrial Disputes Act which is a Central law, the Permanent Status Act would still prevail through Article 254(2) of the Constitution – Even though the writ petitioners have entered into 12(3) settlement on accepting the terms mentioned in the settlement on relation to the permanency of their work, Section 3(1) read with Explanation II of Section 3 of the Permanent Status Act will have statutory effect over the above mentioned settlement – If 12(3) settlement is binding on the employees, it amounts to the employees waiving their statutory rights, which is not permissible as no person can waive off any of his statutory right that have been given under Special Act – Appeal dismissed. [*GM (Admin), TNSTC (Kum) Ltd v. K. Selvaraj*]

**(M. JOTHIRAMAN, J.)**
**2026-III-LLJ-305 (Mad)**

## TERMINATION

**Conferment of Permanent Status** – Tamil Nadu Permanent Status Act, Section 3 – Petitioners, working as casual labourers in Port Trust filed present petitions challenging order passed by 2nd Respondent terminating them from canteen service – Whether petitions filed by Petitioners challenging order of termination and seeking conferment of permanent status were maintainable – Whether impugned order passed by 2nd Respondent was sustainable in law – Whether Petitioners were entitled to be declared as permanent employees of Respondents – *Held*, Petitioners were initially appointed by 2nd Respondent society – In light of declaration made by Single Judge in writ petition, as affirmed by Division Bench in appeal, Petitioners were to be treated as workmen of 1st Respondent – Port Trust, which is an instrumentality of State – Writ petitions challenging order of termination and seeking conferment of permanent status were maintainable – Division Bench had already held, in context of very same establishment, that where there was no dispute on facts, workmen need not be relegated to Industrial Tribunal – Similarly placed canteen workers in other Port Trusts had been granted identical relief – Petitioners being similarly situated, could not be denied same benefit – Termination of Petitioners,

who were designated as casual labourers, without following due process of law, was illegal – As on date of termination, Petitioners had completed more than 480 days of service within 24 calendar months and had thus acquired status of permanent employees – Respondents directed to confer permanent status on Petitioners with effect from date on which they completed 480 days of service within 24 calendar months and to extend all attendant service benefits – Petitions allowed. [*P. Poorasami v. Chairman, Chennai Port Trust*]

**(HEMANT CHANDANGOUDAR, J.)**
**2026-III-LLJ-297 (Mad)**
**LNIND 2026 MAD 9121**

## UNAUTHORISED ABSENCE

**Appeal against award of Reinstatement** – Respondent-employee removed from service for unauthorized absence – Labour Court directed Appellant to reinstate employee with 50% back wages – High Court dismissed Appellant's petition and upheld Labour Court's award – Whether, impugned order of Labour Court, sustainable – *Held*, notice was sent to only address available in employer's records which was the address furnished by employee himself – When Respondent changed his place of residence it's his obligation to inform his employer – Respondent did not send written communication to his employer explaining reason for his absence or seeking leave – Respondent-employee absented himself without authorization and led no documentary evidence to explain his absence – Labour Court and High Court erred in granting relief – Impugned judgment, set aside – Appeal allowed. [*Rifilis Engineering P Ltd v. Arjun Gupta*]

**(VIKRAM NATH, J. AND SANDEEP MEHTA, J.)**
**2026-III-LLJ-269 (SC)**

## WORKMAN

**Appeal against Reinstatement** – Industrial Disputes Act, 1947, Section 2(s) – Employee relieved from service by paying one month salary *in lieu* of notice – Labour Court directed management that employee to be reinstated – High Court while setting aside award of Labour Court held that employee falls under Section 2(s) of Act – Whether, Respondent-employee was workman under Section 2(s) of Act – *Held*, clear from appointment order issued by management that after confirmation of job, termination of service will be by one month's notice or one month's salary *in lieu* of notice – *Onus* of proving nature of employment rests on person claiming to be a workman – Clear from evidence of M.W.1 that employee was supervising work of two junior Engineers who were working under him – Since employee was terminated from service and clear from amount of drawing salary he does not come within definition of workman – Impugned order of High Court upholding finding of Labour Court that employee was workman, liable to be set aside – Employee relieved from duty and issued with cheque towards one month salary *in lieu* of notice and without any objection he accepted and encashed the same – No violation of procedure on part of management in terminating the services of employee – Appeal filed by employee, dismissed – Appeal filed by management, allowed. [*Lenin Kumar Ray v. Express Publications*]

**(R. MAHADEVAN, J.)**
**2026-III-LLJ-285 (SC)**
**LNIND 2024 SC 464**

# SEPTEMBER -2026

**COMPASSIONATE APPOINTMENT**

**Age Limit –** Appellant no. 1 sought for compassionate appointment in place of his farther who retired on medical grounds – Respondent-company rejected claim for compassionate appointment – Whether Respondent-company, after receiving a retirement application on medical-ground before the employee crossed the age threshold, could keep the application pending, communicate the deficiency only after the age threshold had crossed, and then rely upon that very consequence to deny the dependent's claim – *Held,* once Appellant No. 2 applied for voluntary retirement on medical grounds before attaining 55 years of age supported with Government medical certificate, Respondent required to scrutinize such application with reasonable promptitude – Certificate certified him as permanently incapacitated for further service – Respondent required to communicate deficiency within reasonable time – Having remained silent after receiving such application, Respondent could not thereafter turn around belatedly and deprive Appellants of benefit available under Scheme – Respondent directed to grant compassionate appointment to Appellant No. 1 under Scheme – Impugned judgment, set aside – Appeal allowed. [*Rahul v. New India Assurance Company*]

**(NONGMEIKAPAM KOTISWAR SINGH, J.)**
**2026-III-LLJ-468 (SC)**
**LNIND 2026 SC 614**

**Married Daughter** – The object of allotment under the dependent quota is to provide immediate succour to the family of a deceased dealer facing financial hardship – Exclusion of a married daughter from the definition of "family" cannot be sustained – Marriage neither extinguishes the bond between a daughter and her parental family nor furnishes a valid basis to presume absence of dependency – Once dependency is accepted as the governing criterion, exclusion of a married daughter solely on account of her marital status becomes wholly irrational and self-defeating – Bearing in mind the object of the provision, that is to provide immediate financial relief to the dependent family of the deceased dealer and to ensure continuity of public distribution system, on purposive interpretation, the words "unmarried, legally separated and widowed daughters" in Clause 2(p) of 2016 Order, have to be read so as to include married daughters provided they fulfil other eligibility conditions laid down [Paras 15, 18, 19, 22, 25] – Appeal allowed. [*Kulsum Nisha v. State of U.P.*]

**(ALOK ARADHE, J.)**
**2026-III-LLJ-479 (SC)**
**LNIND 2026 SC 547**

**DISMISSAL**

**Judicial Review** – Punishment of dismissal imposed on Respondent-senior for misappropriation of money – Single Judge allowed petition filed by Respondent and affirmed that for similar charges different punishments imposed on co-delinquents – Whether, interference by Single Judge with order passed by Disciplinary Authority satisfied requisite threshold – *Held*, no court in exercise of its power of judicial review should interfere with order of punishment imposed on *delinquent* by competent authority – Co-delinquents having limited powers and authority could not have been equated with Respondent – Grant of benefit of *parity* to Respondent by High Court merely because co-delinquents were given lighter punishment was entirely misconceived – Role of Respondent not only necessitated personal obedience but also supervision of the actions of subordinates – Disciplinary authority found it prudent to impose harsher punishment on higher-ranking official which was not disproportionate – Interference by Single Judge with decision of disciplinary authority uncalled for and hence, set aside – Punishment imposed by disciplinary authority, restored – Appeal allowed. [*Punjab & Sind Bank v. SH. Raj Kumar*]

**(DIPANKAR DATTA, J.)**
**2026-III-LLJ-492 (SC)**
**LNIND 2026 SC 309**

**FAMILY PENSION**

**Delay** – Petitioner, widow of deceased employee, sought to extend to her the benefit of family pension scheme introduced pursuant to Settlement – Whether, Petitioner has established enforceable legal right to be brought under family pension scheme pursuant to Settlement – *Held*, unless compliance with governing scheme established, no enforceable entitlement capable of protection through mandamus can arise – Eligibility by itself did not confer a right to pension – Benefit remained conditional upon prescribed option being exercised within stipulated time and in accordance with Scheme – Option form relied upon by the Petitioner was dated 2nd March, 2011 – Even if the document is accepted as having been filled on that date, it was admittedly beyond the last date of 18th October, 2010 – No such acknowledged copy bearing branch receipt or date-stamp produced – In absence of compliance with procedure, no enforceable right to pension accrues – Petitioner's claim liable to be rejected on ground of delay and laches – Petitioner failed to establish an enforceable legal right to be extended the benefit of family pension – Petition dismissed. [*Savitri Devi v. Bank of Maharashtra*]

**(SANJEEV NARULA, J.)**
**2026-III-LLJ-595 (Del)**

**LEGALITY OF STRIKE**

**Maintainability of writ –** Industrial Relations Code, 2020, Sections 62 and 63 – Petition filed by Company challenging legality of intended strike by workers' Union, during pendency of conciliation proceedings – Whether industrial establishment, during pendency of conciliation proceedings, could maintain writ petition to restrain strike by workers' Union on ground that proposed strike was prohibited under Section 62(1)(d) and illegal under Section 63 of Code – Whether aggrieved party could approach Industrial Tribunal under Code, challenging legality of proposed strike when conciliation proceedings concerning industrial dispute were pending – *Held*, writ petition against 2nd Respondent workers' Union to restrain proposed strike during pendency of conciliation proceeding, as general rule was not maintainable – Such recourse may be available in exceptional circumstances, brought about in given case – Notwithstanding pendency of conciliation proceedings, aggrieved party could approach Industrial Tribunal for limited relief where opposite party proposes to commence or continue strike or lock-out in violation of statutory prohibition contained in Section 62 of Code 2020 – While exercising such limited jurisdiction, Tribunal shall confine itself to statutory question arising under Section 62 and shall not adjudicate merits of proposed strike or lock-out or substantive industrial dispute which was subject matter of conciliation and grant such interim protection incidental to grievance raised – Jurisdiction exercised for enforcement of Section 62(1)(d) was co-extensive with duration of statutory prohibition and could not be continued beyond period for which such prohibition remains operative – Liberty reserved to Petitioner to approach competent Industrial Tribunal under Code 2020, seeking such relief as may be available in law in respect of alleged violation of Section 62(1)(d) – Petition dismissed as not maintainable. [*Bosch Automotive Electronics v. Addl. LC*]

**(ANANT RAMANATH HEGDE, J.)**
**2026-III-LLJ-556 (Kant)**

**RETIREMENT**

**Verification of community certificate** – Division Bench of this Court referred questions of law for determination, hence this reference – Whether verification into genuineness of community certificate or caste status of employee was permissible after retirement from service – Whether verification into genuineness of community certificate or caste status of employee permissible in cases where employee was issued community certificate or granted employment prior to 1995 – Whether verification into genuineness of community certificate or caste status, which was initiated prior to retirement, could be continued after retirement of employee – *Held*, verification into genuineness of community certificate or caste status of employee remains legally permissible even after their retirement from service – Since appointment obtained by fraud is *ab initio void,* retirement does not wash away foundational illegality,

and retiral benefits flowing from *void* entry could not be protected – Employers and Scrutiny Committees are fully empowered to verify genuineness of community certificate or caste status, irrespective of whether certificate was issued or employment was granted prior to year 1995 – Fraud has no expiry date, and procedural mechanics established *vide Kumari Madhuri Patil's* case do not grant immunity to older deceptions – Lawful verification process into employee's caste status initiated prior to retirement does not lapse upon superannuation and must be permitted to continue to its logical conclusion – To hold otherwise would allow dilatory tactics to defeat constitutional accountability – Directives issued – Reference answered. [*R. Gurusamy v. TN: Level Scrutiny Committee*]

**(SUSHRUT ARVIND DHARMADHIKARI, J.)**
**2026-III-LLJ-503 (Mad)**

**REVOCATION OF SUSPENSION**

**Reinstatement** – Respondent-Workman who was placed under suspension – Management later revoked his suspension order – Labour Court holding that suspension was not revoked by passing appropriate order granted relief of reinstatement with back wages – Whether, impugned order of Labour Court, sustainable – *Held*, when the Management passed an order of suspension, entertained the request letter of the Workman, and subsequently, revoked the order of suspension, there was no reason to disbelieve the situation that the Workman was only suspended from service and not terminated – Relief of reinstatement granted to Workman with back wages, *perverse* – Subsistence allowance paid during period of suspension therefore relief of reinstatement with backwages granted to Workman was *perverse* – Impugned order, set aside – However, Appellant Management directed to grant continuity of service from date of his reporting duty – Appeal allowed. [*Management, Roots Polycraft v. R. Mandhiri*]

**(S.M. SUBRAMANIAM, J.)**
**2026-III-LLJ-553 (Mad)**

**TERMINATION FROM SERVICE**

**Limitation –** Industrial Disputes Act, 1947, Section 2(k) – Respondent no. 4 indulged in unfair labour practices and starred terminating services of several workmen – Conciliation proceedings initiated and failure report submitted – By impugned order, Government rejected request for reference on ground that claim suffered from enormous delay – Whether, Petitioners entitled to relief after such long delay – *Held,* though Act does not prescribe any period of limitation for raising an industrial dispute under Section 2(k) of Act but dispute must nevertheless be raised within reasonable time – Stale claim could not ordinarily be revived after inordinate and unexplained delay – No satisfactory explanation offered for such enormous delay in seeking reference – Similarly placed employees obtained favourable awards could not by itself entitle Petitioner to seek reference after such inordinate lapse of time – Each case has to be considered on its own facts – Petition dismissed. [*Manapparai Maris Spinners v. Government of TN*]

**(M. DHANDAPANI, J.)**
**2026-III-LLJ-588 (Mad)**