1. **A manufacturing company retrenched a worker after 2 years of continuous service without providing 30 days' notice or compensation. The worker challenges the retrenchment as unlawful.**
    a. **Was the retrenchment lawful under the Industrial Relations Code, 2020?**
    b. **What remedy is available to the worker under the Code?**

a. The retrenchment was unlawful under Section 70 of the Industrial Relations Code, 2020. Retrenchment requires:
    a. A 30-day notice or wages in lieu of notice.
    b. Compensation of 15 days' average pay for every completed year of service.
    c. Intimation to the appropriate government authority.
    Since these conditions were not met, the retrenchment is invalid.

b. The worker can approach the Industrial Tribunal for reinstatement or compensation. If retrenchment is deemed invalid, the worker is entitled to:
    a. Reinstatement with back wages, or
    b. Compensation for wrongful termination.

| **Case Law: Punjab Land Development and Reclamation Corporation Ltd. v. Presiding Officer, Labour Court (1990)** |
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| In this case, the Supreme Court ruled that non-compliance with retrenchment conditions renders the termination invalid. |

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2. **Workers in a public utility service went on strike without providing the mandatory 14-day notice. The employer claims the strike is illegal and deducts wages for the strike period.**
    a. **Was the strike lawful under the Industrial Relations Code, 2020?**
    b. **Can the employer legally deduct wages for the strike period?**

a. The strike was illegal under Section 62 of the Code, as workers in public utility services are required to give 14 days' prior notice before striking.





b. Yes, the employer can deduct wages for the strike period. In T.K. Rangarajan v. Govt. of Tamil Nadu (2003), In this case, the Supreme Court held that there is no fundamental right to strike, and employers may withhold wages for an illegal strike.

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**3. A factory worker discovers that their wages are below the national floor wage fixed by the government. The employer claims the wages are adequate based on regional considerations.**

**a. Can the employer pay less than the national floor wage under the Wages Code, 2020?**

**b. What legal remedies are available to the worker?**

a. No, the employer cannot pay less than the national floor wage as per Section 9 of the Wages Code, 2020. States must ensure their minimum wages are not below the floor wage fixed by the Central Government.

b. The worker can file a complaint with the Inspector-cum-Facilitator under Section 51 of the Wages Code. The worker is entitled to recover the shortfall, along with compensation for wage underpayment.

| **Case Law: Crown Aluminum Works v. Workmen (1958)** |
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| In this case, the Supreme Court ruled that minimum wages ensure workers' subsistence and must not be compromised. |

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**4. An industrial establishment employing 50 workers does not have a Grievance Redressal Committee (GRC). A worker raises a complaint regarding unpaid overtime but finds no platform for resolution.**

**a. Is the employer required to establish a Grievance Redressal Committee under the Industrial Relations Code, 2020?**

**b. What steps can the worker take to resolve their grievance?**





a. Yes, under Section 4 of the Industrial Relations Code, 2020, establishments with 20 or more workers must form a GRC. Failure to do so violates statutory requirements.

b. The worker can:

    a. Approach the conciliation officer for mediation.

    b. Escalate the matter to the Industrial Tribunal if unresolved.

| **Case Law: ONGC v. Petroleum Coal Labour Union (2015)** |
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| In this case, the court emphasized the importance of grievance mechanisms in reducing industrial conflicts. |

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**5. A group of workers applies to register a trade union, but the Registrar rejects the application, citing insufficient membership, though the union claims to meet the required threshold.**

**a. What are the registration requirements for a trade union under the Industrial Relations Code, 2020?**

**b. Can the union appeal against the Registrar's decision?**

a. Under Section 6 of the Code, a trade union must have at least:

    a. 10% or 100 workers, whichever is lower, as members.

    b. A minimum of 7 members subscribing to its rules.
    If these conditions are met, the Registrar cannot deny registration.

b. Yes, the union can appeal to the Industrial Tribunal under Section 10 of the Code. The Tribunal can direct the Registrar to register the union if the denial is found unjustified.





| Case Law: Telangana Mazdoor Union v. Registrar of Trade Unions (2020) |
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| In this case, the court emphasized that Registrars must assess applications fairly and ensure compliance with statutory thresholds. |

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6. **A worker claims entitlement to a minimum bonus of 8.33% for the accounting year, but the employer denies payment, citing financial losses.**
    a. **Is the worker entitled to a bonus even if the employer incurred losses?**
    b. **What remedies are available to the worker under the Wages Code, 2020?**

a. Yes, under Section 26 of the Wages Code, 2020, workers are entitled to a minimum bonus of 8.33% of wages, regardless of the employer's financial condition, provided the worker has completed at least 30 days of work in that accounting year.

b. The worker can file a complaint with the Inspector-cum-Facilitator or approach the Tribunal to recover the unpaid bonus with interest.

| Case Law: Mumbai Kamgar Sabha v. Abdulbhai Faizullabhai (1976) |
| --- |
| In this case, the Supreme Court ruled that workers' entitlement to the minimum bonus is a statutory right and cannot be denied. |

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7. **An employer initiates a lockout during ongoing conciliation proceedings to pressure workers into accepting wage cuts.**
    a. **Was the lockout lawful under the Industrial Relations Code, 2020?**
    b. **What remedies are available to the workers?**

a. No, the lockout was illegal under Section 62, which prohibits strikes and lockouts during conciliation or arbitration proceedings.

b. Workers can:

    a. File a complaint with the conciliation officer, who can submit a failure report.





b. Approach the Industrial Tribunal for compensation or reinstatement if the lockout is found to be unlawful.

| Case Law: Binny Ltd. v. Their Workmen (1972) |
| --- |
| In this case, the Supreme Court held that lockouts must be justified and comply with statutory requirements to be deemed lawful. |

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**8. A female worker claims that she is paid less than her male counterpart for performing the same work in an industrial establishment. The employer argues that the wage disparity is based on seniority, not gender.**

**a. Does the Wages Code, 2020 protect the female worker's right to equal remuneration?**

**b. What recourse is available to her if the employer's claim is invalid?**

a. Protection Under the Wages Code, 2020

- Section 13 of the Wages Code mandates equal remuneration for workers performing the same or similar work, irrespective of gender.
- Discrimination based on gender in matters of wages or recruitment is strictly prohibited unless justified by seniority or skill.

b. Recourse Available

- If the wage disparity is found to be based solely on gender and not seniority, the worker can:
  - File a complaint with the Inspector-cum-Facilitator under Section 51.
  - Approach the Tribunal for compensation and rectification of wages.

| Case Law: Mackinnon Mackenzie & Co. Ltd. v. Audrey D'Costa (1987) |
| --- |
| In this case, the Supreme Court ruled that women are entitled to equal pay for equal work under the Equal Remuneration Act (now incorporated into the Wages Code). |

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9. **An industrial establishment temporarily lays off 50 workers due to a machinery breakdown but does not pay layoff compensation, arguing that the breakdown was beyond their control.**
   a. **Is the employer required to pay compensation under the Industrial Relations Code, 2020?**
   b. **What remedies are available to the affected workers?**

a. Employer's Obligation Under Section 78
   - Layoff Compensation: Workers who have completed one year of continuous service are entitled to 50% of basic wages and dearness allowance during the layoff period.
   - Machinery breakdown does not exempt the employer from paying compensation unless the workers themselves caused the breakdown or refused to work.

b. Workers' Remedies
   - Workers can approach the Industrial Tribunal to claim compensation for the layoff period.
   - The Tribunal can also penalize the employer for violating statutory obligations.

| **Case Law: Workmen of Subong Tea Estate v. Subong Tea Estate (1964)** |
| --- |
| In this case, the Supreme Court held that layoff compensation is a statutory right and cannot be denied based on operational challenges. |

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10. **A pregnant worker is dismissed from her job during her maternity leave. The employer claims that her dismissal was due to poor performance and unrelated to her pregnancy.**
    a. **Is the dismissal valid under Indian labor laws?**
    b. **What legal remedies does the worker have?**





a. Validity of Dismissal Under the Maternity Benefits Act (Incorporated in Wages Code, 2020)
    - Section 22 of the Wages Code prohibits the dismissal of a woman during maternity leave.
    - Any termination during this period, unless based on gross misconduct unrelated to her pregnancy, is unlawful.

b. Remedies for the Worker
    - The worker can file a complaint under Section 51 with the Inspector-cum-Facilitator.
    - The employer may be ordered to:
        - Reinstate the worker, and
        - Provide compensation for wrongful dismissal.

| **Case Law: Neera Mathur v. Life Insurance Corporation of India (1992)** |
| --- |
| In this case, the Supreme Court emphasized the need for strict enforcement of maternity protection laws, ruling that dismissals based on pregnancy are discriminatory and illegal. |

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**11. A trade union with 55% worker support in an industrial establishment is denied recognition as the negotiating union by the employer, who claims that no trade union has majority support.**

**a. Is the employer's action valid under the Industrial Relations Code, 2020?**

**b. What steps can the union take to challenge this denial?**

a. Recognition of Negotiating Union (Section 14, IR Code)
    - A trade union with 51% or more worker support must be recognized as the sole negotiating union.
    - The employer's refusal is invalid since the union meets the statutory requirement.

b. Remedies for the Union

- The union can approach the Tribunal under Section 14(8), which has the authority to direct the employer to recognize the union.
- Failure to comply can lead to penalties under Chapter XII.

| Case Law: Rajasthan Mazdoor Union v. State of Rajasthan (1999) |
| --- |
| In this case, the court emphasized that recognition of unions based on majority support is essential for effective collective bargaining. |

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**12. A worker is suspended for misconduct after an inquiry lasting 120 days. The worker claims the inquiry was unnecessarily delayed, leading to financial hardship.**

**a. Was the suspension valid under the Industrial Relations Code, 2020?**

**b. What relief can the worker seek?**

a. Validity of Suspension (Section 38, IR Code)

- An inquiry must be completed within 90 days of suspension.
- Since the inquiry exceeded this period without valid reasons, the suspension is invalid.
- The worker is entitled to 50% wages as subsistence allowance for the first 90 days and 75% wages thereafter if the employer caused the delay.

b. Relief Available

- The worker can approach the Tribunal for:
  - Reinstatement if the charges are baseless, or
  - Compensation for wrongful suspension.

| Case Law: M. Paul Anthony v. Bharat Gold Mines Ltd. (1999) |
| --- |
| In this case, the Supreme Court ruled that prolonged suspension without valid reasons violates principles of natural justice, entitling workers to relief. |





**13. Workers in a factory are required to work for 10 hours daily but are paid only for 8 hours. The employer claims overtime pay is not mandatory as per company policy.**

**a. Is the employer's action lawful under the Wages Code, 2020?**

**b. What remedies do the workers have?**

a. Requirement of Overtime Pay (Section 14, Wages Code)

- Workers must be paid twice their ordinary rate of wages for hours worked beyond the prescribed 8-hour workday or 48-hour workweek.
- Employer policies cannot override statutory provisions.

b. Workers' Remedies

- Workers can lodge a complaint with the Inspector-cum-Facilitator under Section 51.
- They can also seek arrears of overtime wages through the Tribunal.

| **Case Law: L&T v. State of Karnataka (2014)** |
| --- |
| In this case, the court held that denial of overtime wages violates labor laws, entitling workers to statutory dues with interest. |

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**14. An industrial establishment employing 500 workers closes operations suddenly without obtaining prior government approval. Workers are left without notice or compensation.**

**a. Was the closure lawful under the Industrial Relations Code, 2020?**

**b. What remedies are available to the workers?**

a. Lawfulness of Closure (Section 77, IR Code)

- For establishments employing 300 or more workers, prior approval from the appropriate government is mandatory for closure.





- In this case, the closure is illegal due to non-compliance with the requirement of approval and absence of compensation to workers.

b. Remedies for Workers

- Workers can approach the Industrial Tribunal for:
  - Reopening of the establishment or
  - Payment of compensation equivalent to 15 days' average wages for every completed year of service (retrenchment compensation).

| Case Law: Excel Wear v. Union of India (1979) |
| --- |
| In this case, the Supreme Court held that prior government approval for closures is necessary to protect workers from arbitrary employer actions. |

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**15. A worker claims entitlement to the maximum bonus (20%) for the accounting year, arguing that company profits were high. The employer denies this, stating that bonuses are paid at a flat rate of 8.33% regardless of profits.**

**a. Is the worker entitled to a higher bonus under the Wages Code, 2020?**

**b. How can the worker enforce their rights?**

a. Entitlement to Bonus (Section 26, Wages Code)

- The minimum bonus is 8.33% of wages, while the maximum bonus is 20% of wages, based on the allocable surplus of the employer.
- If the employer has sufficient profits, the worker is entitled to a bonus beyond the minimum.

b. Enforcement of Rights

- The worker can file a claim with the Inspector-cum-Facilitator or approach the Tribunal for enforcement of bonus entitlements.

| Case Law: Modi Industries Ltd. v. State of UP (1986) |
| --- |
| In this case, the Supreme Court emphasized that bonuses should be linked to the allocable surplus and cannot be arbitrarily denied by the employer. |





**16. A worker retires after 20 years of service, but the employer refuses to pay gratuity, claiming the worker's retirement was voluntary.**

**a. Is the employer obligated to pay gratuity under the Wages Code, 2020?**

**b. What legal remedies are available to the worker?**

a. Gratuity Payment Obligation (Section 53, Wages Code)

- Gratuity is payable to workers completing 5 years of continuous service upon retirement, resignation, or death.
- The claim of voluntary retirement is irrelevant; the worker is entitled to gratuity.

b. Legal Remedies

- The worker can file a complaint with the Inspector-cum-Facilitator or approach the Tribunal for recovery of gratuity with interest.

| **Case Law: Bharat Coking Coal Ltd. v. Shib Kumar Dushad (2001)** |
|---|
| In this case, the Supreme Court ruled that gratuity is a statutory right and cannot be withheld except on valid grounds. |

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**17. A worker is dismissed for alleged misconduct without being given a chance to defend themselves in a domestic inquiry. The worker challenges the dismissal as arbitrary.**

**a. Was the dismissal lawful under the Industrial Relations Code, 2020?**

**b. What remedies can the worker seek?**

a. Lawfulness of Dismissal (Section 38, IR Code)

- A domestic inquiry must precede dismissal for misconduct.
- Failure to conduct an inquiry violates the principles of natural justice, making the dismissal unlawful.





b. Worker's Remedies

- The worker can approach the Industrial Tribunal for reinstatement or compensation.
- The Tribunal may also award back wages if the dismissal is found invalid.

| Case Law: Workmen of Firestone Tyre and Rubber Co. v. Management (1973) |
| --- |
| In this case, the Supreme Court held that dismissals without a proper domestic inquiry violate principles of natural justice and are invalid. |

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**18. An industrial establishment introduces a night shift for all employees, including women, without providing additional safety measures. A female worker challenges this as discriminatory and unsafe.**

**a. Can the employer require women to work night shifts under the Wages Code, 2020?**

**b. What obligations does the employer have to ensure safety?**

a. Night Shifts for Women (Section 13, Wages Code)

- Women can be assigned night shifts only if they consent and if adequate safety measures are implemented.
- Forcing women to work night shifts without consent or safety measures violates the Code.

b. Employer Obligations

- Employers must provide:
  - Transport for night shifts,
  - Adequate security, and
  - Proper lighting in and around the workplace.
- Failure to comply can lead to penalties under Chapter XII.

| Case Law: Vishaka v. State of Rajasthan (1997) |
| --- |
| In this case, the Supreme Court held that employers must ensure a safe working environment for women, including protection against harassment during night shifts. |

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**19. Workers in a public utility service, such as electricity supply, go on strike without providing notice. The strike causes widespread disruption, and the employer declares it illegal.**

**a. Was the strike lawful under the Industrial Relations Code, 2020?**

**b. What penalties can the workers face?**

a. Lawfulness of Strike (Section 62, IR Code)

- Workers in public utility services must give 14 days' notice before a strike.
- Strikes without notice are illegal under the Code.

b. Penalties for Illegal Strikes (Section 86, IR Code)

- Workers can face fines of up to ₹50,000 each.
- Union leaders organizing the strike may face imprisonment for up to 6 months.

| Case Law: T.K. Rangarajan v. Govt. of Tamil Nadu (2003) |
| --- |
| In this case, the Supreme Court ruled that public utility workers have no absolute right to strike and must comply with statutory requirements. |

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**20. A worker resigns after completing 7 years in an industrial establishment. The employer refuses to issue an experience certificate, claiming the worker left without serving the notice period.**

**a. Is the employer's action valid under the Industrial Relations Code, 2020?**

**b. What remedies can the worker seek?**





a. Validity of Action

- The employer cannot deny issuing an experience certificate. Non-compliance with the notice period may result in forfeiture of dues but does not affect the worker's right to receive an experience certificate.

b. Worker's Remedies

- The worker can file a grievance with the Grievance Redressal Committee (Section 4, IR Code) or escalate the matter to the conciliation officer.

| **Case Law: Scooters India Ltd. v. Labour Court (1989)** |
| --- |
| In this case, the court emphasized the right of workers to fair treatment, including access to employment records and experience certificates. |

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**21. Workers in a manufacturing unit (non-public utility service) go on strike without providing a 14-day notice, claiming the employer denied annual bonuses.**

**a. Was the strike lawful under the Industrial Relations Code, 2020?**

**b. What action can the employer take against the workers?**

a. Lawfulness of Strike (Section 62, IR Code)

- Even in non-public utility services, workers are required to provide 14 days' notice before a strike.
- A strike without proper notice is deemed illegal under Section 62(2).

b. Employer's Actions

- The employer may:
  - Deduct wages for the strike period,
  - File a complaint with the conciliation officer, or
  - Seek penalties for union leaders under Section 86 (fine of ₹50,000 and imprisonment up to 6 months).





| Case Law: Bharat Petroleum Corporation Ltd. v. Maharashtra General Kamgar Union (1999) |
| --- |
| In this case, the Supreme Court held that procedural compliance is mandatory for strikes to be lawful. |

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**22. A trade union forces non-unionized workers to join a strike using threats and intimidation. The employer claims this amounts to unfair labor practices.**

**a. Does the Industrial Relations Code, 2020 define such actions as unfair labor practices?**

**b. What remedies are available to the employer or non-unionized workers?**

a. Unfair Labor Practices by Unions (Section 2(zo) and Schedule II)

- Forcing workers to join a strike or union amounts to an unfair labor practice under Schedule II, Part B.
- Such coercive acts violate workers' freedom of association.

b. Remedies for Employers and Workers

- The employer or affected workers can file a complaint with the Tribunal under Section 89.
- The Tribunal can impose penalties on the trade union under Section 86, including fines and suspension of union recognition.

| Case Law: Maharashtra State Road Transport Corporation v. Casteribe Rajya Parivahan Karmachari Sanghatana (2009) |
| --- |
| In this case, the Supreme Court ruled that coercive union practices violate workers' rights and must be curtailed. |

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**23. In an industrial establishment, three trade unions claim recognition as the negotiating union. The employer refuses to recognize any, stating the lack of a clear majority.**

**a. How does the Industrial Relations Code, 2020 handle recognition of multiple trade unions?**

**b. What steps can the trade unions take to resolve the issue?**

a. Recognition of Trade Unions (Section 14, IR Code)

- If no single trade union has 51% worker support, a Negotiating Council must be formed with proportional representation of all unions.
- The employer's refusal to recognize any union violates the Code.

b. Steps by Trade Unions

- The unions can approach the Tribunal under Section 14(8) for enforcement of their right to recognition.
- The Tribunal can direct the employer to form a Negotiating Council or recognize a union with majority support.

| **Case Law: Rajasthan Mazdoor Union v. State of Rajasthan (1999)** |
| --- |
| In this case, the court emphasized that the statutory process for recognition ensures fair worker representation and avoids arbitrary decisions. |

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**24. A trade union is found using its funds for political activities, violating its rules. The Registrar cancels its registration. The union challenges the decision.**

**a. Under what conditions can a trade union's registration be canceled under the Industrial Relations Code, 2020?**

**b. Can the union challenge the cancellation?**

a. Conditions for Cancellation (Section 9(5), IR Code)

- The Registrar may cancel a union's registration if it:





- Contravenes any provisions of the Code,
- Misuses funds for purposes outside its stated objectives, or
- Fails to maintain minimum membership requirements.

b. Challenging Cancellation

- The union can appeal to the Tribunal under Section 10. If the Tribunal finds the cancellation unjustified, it can direct the Registrar to reinstate the union's registration.

| **Case Law: Telangana Mazdoor Union v. Registrar of Trade Unions (2020)** |
| --- |
| In this case, the court held that unions have a right to appeal against arbitrary cancellation decisions. |

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**25. An employer dismisses several workers for forming a trade union, claiming their dismissal was for "performance issues."**

**a. Does the Industrial Relations Code, 2020 categorize this action as an unfair labor practice?**

**b. What legal remedies do the dismissed workers have?**

a. Unfair Labor Practices by Employers (Schedule II, Part A)

- Dismissing or victimizing workers for forming or participating in union activities is an unfair labor practice under Schedule II.
- The employer's claim of performance issues must be supported by a proper domestic inquiry.

b. Workers' Remedies

- Workers can:
  - File a complaint with the Tribunal, seeking reinstatement and back wages.
  - Seek penalties against the employer under Section 86 for violating workers' rights.





| Case Law: Hindustan Lever Ltd. v. Ashok Vishnu Kate (1996) |
| --- |
| In this case, the Supreme Court held that victimization of workers for trade union activities constitutes an unfair labor practice, requiring remedial action. |

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**26. An employer declares a lockout during ongoing conciliation proceedings to pressure workers into accepting wage cuts. Workers challenge the lockout as illegal.**

**a. Was the lockout lawful under the Industrial Relations Code, 2020?**

**b. What remedies are available to the workers?**

a. Lawfulness of Lockout (Section 62, IR Code)

- Lockouts are prohibited during conciliation proceedings under Section 62(1).
- The employer's action is illegal as it violates statutory restrictions.

b. Workers' Remedies

- Workers can:
  - File a complaint with the conciliation officer, who can issue a failure report.
  - Approach the Tribunal, which may impose penalties on the employer and order compensation to workers.

| Case Law: Binny Ltd. v. Their Workmen (1972) |
| --- |
| In this case, the Supreme Court held that lockouts must comply with procedural requirements; otherwise, they are illegal. |

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**27. A worker's increment is denied without explanation. The worker raises a grievance, but the employer claims the issue is too trivial for formal resolution.**

**a. Is the employer obligated to address the grievance under the Industrial Relations Code, 2020?**

**b. What recourse does the worker have if the grievance remains unresolved?**





a. Employer's Obligation (Section 4, IR Code)
    - Employers with 20 or more workers must establish a Grievance Redressal Committee (GRC).
    - The employer's refusal to address the grievance violates the Code.
b. Worker's Recourse
    - The worker can escalate the grievance to the conciliation officer or directly approach the Tribunal for resolution.

| **Case Law: Greaves Cotton Ltd. v. Their Workmen (1959)** |
| --- |
| In this case, the court highlighted the importance of addressing individual grievances to prevent workplace dissatisfaction. |