Case Studies on Industrial Disputes act

Mahindra Coats, a private limited company, laid off it’s employees on the ground of lack of finances in running the establishment without taking prior permission from the authorities under the act and it was stated by the authorities that the lay-off was unjustified. Mahindra contends that the requirement to obtain prior permission to effect lay off is void.

* Can Mahindra effect lay-off without obtaining prior permission

Firestone Rubbers is a tyre-manufacturing company based in Pune. There was a general strike in it’s factory and due to the consequent short supply of tyres, the company had to lay-off 17 out of its 30 workmen in it’s Delhi distribution office and also 12 out of it’s 33 workmen in the Madras distribution office. The workmen were called back to duty after sometime but were not given their wages or compensation for the lay-off period.

* Are the worker’s entitled to any compensation?

Abdul, working as a Linesman on daily wages with the Panipat Telephone department, BSNL . He alleges that he was not paid his wages from October 2011 to April 2012. He further stated that while working he got an electrical shock and because of this accident he was hospitalized and subsequently, he was not allowed to resume his duty. BSNL stated that Ahmed never worked for them as they had entered into a contract with a Private company for supplying personnel and Ahmed was a contract employee

* Can Ahmed get any relief from BSNL?

Clifford was engaged as a daily wager by the Maharashtra State Agriculture Marketing Board on September 1,2005. He worked upto July 24,2006. Afterwards,his services were terminated without giving him any notice, pay in lieu of notice and retrenchment compensation before his termination.

* Is he entitled to any relief?

Workmen’s compensation Case studies

K.N. Raju Raman was a bus driver of the DTC. After finishing the day’s work, he left his bus in the depot and boarded another DTC bus to travel to his home. This bus met with an accident & K.N. Raju Raman succumbed to the injuries received in this accident.

* Can his wife claim compensation for his death?

Shalkh Hassan Ibrahim was employed as a deck-hand, a seaman of category II on the ship ss. “Dwarka” which is owned by the British Steam Navigation Company Limited. On December 13, 1961, Shalkh Hassan Ibrahim complained of pain in the chest and was, therefore, examined, but nothing abnormal was detected clinically. The Medical Officer onboard the ship prescribed some tablets and he reported fit for work the next day. On December 15, 1961, however, he complained of insomnia and pain in the chest, for which the Medical Officer prescribed sedative tablets. The official Log book of the ship shows that S.H. Ibrahim was seen near the bridge of the ship at about 2.30 a.m. when the ship was near the Persian Gulf on December 16, 1961. He was sent back but at 3 a.m. he was seen near the Tween Deck where he told a fellow seaman on duty that he was going to bed. At 6.15 a.m. he was reported missing and a search was undertaken. At 7.35 a.m. the Master of the Ship sent out a radio signal saying: “One seaman missing between Khoramshahr and Ashar STOP May be in river STOP All ships please keep look out”. The ship arrived at Asher jetty at 8 a.m. A representative of Messrs Gray, Mackenzie & Co. Ltd., who are the agents for the British India Steam Navigation Co.. Ltd., in the Persian Gulf was informed that the said seaman was missing. The representative in turn passed on the information to the local police and the Port authorities. At 4 p.m. an inquiry was held on board the ship by the local police and the British Consul-General. On a suggestion made by the latter, the personal effects of the missing seaman were checked and sealed by the Consulate authorities for being deposited with the Shipping Master, Bombay.

* On February 20, 1962, Ibrahim MahommedIssak filed an application under Workmen’s Compensation Act, 1923 for compensation for the death of his son, which according to him, occurred on account of a personal injury caused by an accident arising out of and in the course of his employment.

Veeresh Kumar was working as a driver in a truck owned by Malikarjuna Hiremath. He left Siraguppa to go to GuruguntaAmreshwara temple along with certain passengers as instructed by M. Hiremath. When the vehicle reached Gurugunta, Veeresh went to the pond to take a bath. While taking a bath in a pit, he slipped and fell down and drowned.

* An application was filed under Workmen’s Comensation Act, 1923 by M. Hiremath and Veeresh’s wife to claim compensation from Oriental Insurance Co. Ltd. under whom the vehicle was insured.

Ajit Singh was employed as truck driver by XYZ. In July 2002, Ajit Singh was assigned duty of Adriving the truck from Delhi to Nimiaghat in Jharkhand in connection with trade and business of XYZ. On 17/7/02 when the truck reached near about the destination Nimiaghat, Ajit Singh Suffered a health set-back and therefore he parked the vehicle on the roadside of nearby hotel. He fainted immediately after parking the vehicle. The persons nearby took him to the hospital where the doctors declared him brought dead. A FIR was lodged with police and post-mortem was conducted at Civil Hospital, District Giridih. The said truck was insured with National Insurance Co.

* Param Pal Singh, Ajit’s adopted son, filed an application before Commissioner of Workmen’s Compensation contending that the death of his father was in the course of his employment with the trade and business of the XYZ and that his death was due to stress and strain while driving the said truck continuously over a period of time.