

COURT CASE
DATE BOUND

No. 6/6/2018-1GS1

From

The Chief Secretary to Govt. Haryana,

To

1. All the Administrative Secretaries to Government Haryana,
2. All the Heads of Departments, Commissioners of all Divisions,
3. All the Deputy Commissioners of the State of Haryana,

Dated Chandigarh, the 6th March, 2018

Subject: LPA No. 2176 of 2017- in CWP No. 16594 of 2015 titled as Chief Medical Officer, Civil Hospital, Hisar Vs. Rajbir & Anr.

Sir/Madam,

I am directed to invite your attention to the Government letter No. 6/32/2007-1GS1 dated 17.01.2008 and 62/67/2012-6GS1, dated 23.11.2012 vide which you were directed that while retrenching the services of workman falling within the ambit of the provisions of Section 25-F of Industrial Disputes Act, 1947, due procedure laid down therein should be followed rigidly.

2. Hon'ble, High Court on 16.01.2018 in the subject cited case has observed that the above said instructions are not being complied with in true letter and spirit as it is evident from various cases which are coming to court, where there is blatant violation of the provisions of Section 25-F of Industrial Disputes Act, 1947 and passed following orders:-

"Section 25 F was added in the Industrial Disputes Act, 1947 (for short, the Act) in Chapter (VA) which was inserted vide Amendment Act No. 43 of 1953 with effect from 24.10.1953. We are surprised to note that for the last more than six decades, the officers in the State had not been able to understand the import of Section 25 F of the Act as regularly we are getting number of cases where the Labour Court or this Court is finding that there had been violations of provisions of Section 25 F of the Act as a result of which the workmen are directed to be re-instated and the State Management is directed to pay backwages as well.

Needless to add that backwages are to be paid without any work being taken from those workmen who are constrained to remain out of service and may either have to be starve or do petty jobs to make their both ends meet. Let details of the cases in which the State had paid backwages to the workmen in the last 10 years by different department be furnished in court.

The amount be also calculated. The Court be also apprised of the steps the Steps the State seek to take to recover the loss suffered on account of inaction/wrong action by the officers who have been violating the provisions of the Act."

3. The matter has been viewed seriously by the State Government. You are, therefore, again directed to ensure full compliance of the provisions of Section 25-F of Industrial Disputes Act, 1947 in true letter and spirit and these instructions may be brought to the notice of all concerned for strict compliance. Any violation thereof may be viewed seriously.

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4. Further, in the light of the directions issued by the Hon'ble Court, you are requested to furnish the details of the cases in which the Government had paid backwages to the workmen on account of violations of provisions of Section 25-F of Industrial Disputes Act, 1947 during the last 10 years i.e. 2007 onwards in the prescribed format given below:-

Sr. No.	Number of cases	Date of decision	No. of workmen	Total amount paid as backwages

The requisite information may be supplied to this office strictly as per format within a week positively, so that same could be furnished before the Hon'ble Court by way of affidavit before the next date of hearing.

This may be treated as most urgent.

Yours faithfully,

Sathar Singh

Superintendent General Services-I,
for Chief Secretary to Government of Haryana.

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6/13/18

