

No. 62/96/98-6GSI

From

The Chief Secretary to Government Haryana.

To

1. All Heads of Departments, Commissioners
Ambala, Hisar, Rohtak and Gurgaon Divisions.
2. All Deputy Commissioners and Sub Divisional
Officers (Civil) in Haryana.
3. The Registrar,
Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the December 29, 1998

Subject :- Non compliance of Section 25 F of the Industrial Disputes Act, 1947 by the Department.

Sir,

I am directed to address you on the subject noted above and to say that Section 25 F of Industrial Disputes Act, 1947 deals with the conditions precedent to retrenchment of workmen, which reads as under :—

"No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice ;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate Government (for such authority as may be specified by the appropriate Government by notification in the Official Gazette).

2. The Advocate on Record for the State of Haryana, in the Supreme Court of India has brought to the notice of the Government that most matters in which S.L.P. is filed in the Hon'ble Apex Court do not succeed as the department concerned has not complied with the Provisions of Section 25 F of Industrial Disputes Act. As a result enormous sums are being paid to the retrenched workmen as compensation. Consequently, the State Exchequer is being overburdened for non compliance of mandatory Provisions of Law. The Hon'ble Supreme Court of India has also taken a serious view in such cases.

3. The State Government views the matter with grave concern and I am accordingly to emphasize that while retrenching the services of a workman, falling within the ambit of the provisions of Section 25 F of the aforesaid Act, due procedure laid down therein should be followed rigidly.

4. These instructions should be brought to the notice of all concerned for being adhered to strictly. Non compliance of the instructions would be viewed seriously by the Government.

Yours faithfully,

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government, Haryana.

A copy is forwarded to all the Financial Commissioners/Commissioners and Secretaries to Government, Haryana for information and necessary action.

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners
and Secretaries to Government, Haryana.

U. O. No. 62/96/93-6GSI Dated Chandigarh, the December 29, 1998