



GL BAJAJ

Institute of Management & Research

Approved by A.I.C.T.E., Ministry of HRD, Govt. of India

Roll No.....

Plot No. 2, Knowledge Park-III, Greater Noida (U.P.)–201306

POST GRADUATE DIPLOMA IN MANAGEMENT (20-20)
MID TERM EXAMINATIONS (TERM -)

Subject Name: Industrial Relations & Labor Laws
Sub. Code: PGH08

Time: 01.30 hrs
Max Marks: 20

Note:

1. Writing anything except Roll Number on question paper will be deemed as an act of indulging in unfair means and action shall be taken as per rules.
2. All questions are compulsory in Section A, B & C. Section A carries 1 Case Study of 8 marks. Section B carries 3 questions of 2 marks each and Section C carries 2 questions of 3 marks each.

SECTION - A04+04 = 08 Marks

Q. 1: Case Study:

Retrenchment Case:

Validity of the retrenchment challenged under Chapter 5B of the ID Act. As on 28th April, 2004, 85 regular workmen were employed in the factory. 48 of them were retrenched basis LIFO on 29th April, 2004. Other temporaries and casuals were not considered in this calculation of total workmen under Chapter 5B. This is the point of contention from the union and they want retrenchment to be deemed illegal. Conciliation proceedings ensued and a meeting was held with DLC. Our lawyer, covered up the issue. But the union was not satisfied and conciliation proceedings failed. Hence the matter was referred to the labour court. This was the point where 48 were involved. (May 2004) Re-employment was offered on temporary basis for an order Dec 2005 @ 75% of their last drawn wages. Agreement signed with union. After the order was fore closed by the customer on 10th March, 2006, they were asked to stop reporting to work. They refused to leave the premises and Gherao and the plant had to be shut down for 10 days. Temp lock out declared. Retrenched people approached the ALC and were directed to the DLC. DLC asked both parties to pursue the proceeding in the court as the matter was still pending before the labour court. Same DLC, unofficially, had a meeting with Union and Management and helped come up with the VRS scheme.

DLC acted in good faith on his personal visit and VRS scheme was outcome of oral negotiation with the Union, Management and the DLC. The worked out scheme was 45 days wages for every year of service and one time payment of Rs. 1000. 14 out of the 48 people opted for this scheme in July 2006. Later on small batches came in to avail the VRS scheme and finally 22 people opted for the same as on March 2007 The remaining 26 people were again called back for re-employment on temporary basis for another order on 11th July, 2007. They refused to accept the re-employment offer demanding permanent employment as against the temporary employment provided for the particular order. 26 people were still contesting the cases in the court. In March 2008, during negotiation with the union, one time payment was increased to Rs. 15000. This time 16 people availed the scheme on 31st March, 2008 Finally, 10 remained. They are still fighting the case. The case is in cross-examination stage. Negotiation efforts at right intervals were carried out. First through the Union leaders and then on a one-on-one basis with the HR Manager. It has been amply communicated to them about the condition of the company and how it is in their best interest to take the settlement. The negotiations were in a dead lock. During end of July, another scheme was worked out for the remaining 10 where they were offered approximately Rs. 40,000/- as one time payment. This worked out to be roughly 50% higher than the total settlement amount previously offered. Extensive interactions and negotiation efforts have not been successful. They are demanding a very high compensation of Rs. 3-5 Lacs or re-instatement.

- (i) Discuss LIFO and its role in retrenchment. Also give your inputs to solve this case further.
- (ii) What do you understand by Gherao, lock out and its implication in above case study?



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SECTION - B02×03 = 06 Marks

- Q. 2: Differentiate between Arbitration and Adjudication with examples in workplace?
- Q. 3: Explain the provisions in the ID act 1947 with regards to retrenchment and layoffs.
- Q. 4: Describe the objectives, recognition and registration of Trade Union Act 1926.

SECTION - C03×02 = 06 Marks

- Q.5. Elaborate upon the prohibition of Strike and Lockout.
- Q. 6. Differentiate between Bipartite and Tripartite bodies with examples.?