



cyril amarchand mangaldas
ahead of the curve

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This issue of the Employment Quarterly covers key Central and State level legislative updates, such as those pertaining to notifications/ circulars issued by the Employees' Provident Fund Organisation – processing of pension on higher wage cases, functionality for data of employees who are not part of the Employees' Pension Scheme, 1995 etc.. Other updates include notifications/ circulars on bringing the Chhattisgarh Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2017 into effect, employment of women during night shifts in Chhattisgarh, issuing guidelines for enforcement of the Building and Other Construction Workers Welfare Cess Act, 1966 in Madhya Pradesh, draft rules under the Labour Codes for Meghalaya, proposal to urge usage of the “She Box Portal” for registration of complaints under the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (**POSH Act**) in Delhi, exemption of IT/ITES establishments from certain provisions of the Andhra Pradesh Shops and Establishments Act, 1988, among others.

Besides legislative updates, this edition also delves into the key developments in labour laws brought forth by various judicial pronouncements. We have analysed key decisions of the Supreme Court and those of various High Courts in matters pertaining to constitutional validity of differential maternity benefits provided to adoptive mothers, criminal liability of employer for usage of “filthy language” and resulting dismissal of an employee, observations on completion of departmental inquiries within 6 months, requirement of taking into account paid holidays while determining continuous service of a workman under the Industrial Disputes Act, 1947, recovering gratuity from an employer after implementation of resolution plan under the Insolvency and Bankruptcy Code, 2016, and a private employer ordinarily not being subject to writ proceedings under the Constitution of India, among others.

We hope you will find the above to be useful. Please feel free to send any feedback, suggestions or comments to cam.publications@cyrilshroff.com

Regards,
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LEGISLATIVE UPDATES

I. Key Central Legislative Updates

A. EPFO issues circular to lay down certain clarifications in relation to policy issues on processing of pension on higher wage cases

The EPFO has, *vide* a circular dated January 18, 2025, issued certain clarifications pertaining to the processing of pension for pensioners earning higher wages. These clarifications were as follows:

- i. The computation of pension for higher-wage cases must be done on a *pro rata* basis (as provided in the Employees' Pension Scheme, 1995 (EPS)), ensuring these cases are treated the same as for pensioners under the wage ceiling.
- ii. For exempted establishments, the eligibility of pensioners earning higher wages should be determined on the basis of the extant trust rules of the said establishments. However, if the trust rules were amended after November 4, 2022 (i.e., after the *EPFO v. Sunil Kumar judgment*), the applications of members of such exempted establishments may not be considered eligible.
- iii. The eligibility of pensioners earning higher wages is only crystallised after the pension fund receives the dues (along with interest), as netting of pension dues against pension arrears may not be appropriate.
- iv. In instances where wage arrears are payable retrospectively, it is not permissible to recover damages under Section 14-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. However, it is possible to recover the interest on such dues up to the date of retirement or cessation of EPS membership, whichever is earlier.

B. EPFO issues circular for deployment of functionality for data of employees who are not part of the EPS

The EPFO has, *vide* a circular dated January 17, 2025, announced the deployment of the Electronic-Challan-cum-Return (ECR) functionality on the employer's portal to facilitate the capture of the data of non-EPS members of provident fund trusts. This follows a previous circular, which had established UAN generation and activation

as essential elements for capturing the data of non-EPS members through the ECR functionality. Accordingly, the EPFO has issued instructions to ensure 100 per cent generation and activation of UANs for provident fund trust members (including EPS and non-EPS members). It also guides exempted establishments on using the ECR functionality, mandating that exempted trusts submit information / ECR retrospectively from August 2023.

C. EPFO issues circulars for simplification of (i) transfer of provident fund account and (ii) joint declaration process

To simplify the process of transfer of members' provident fund accounts following a change of employment, the EPFO has, *vide* a circular dated January 15, 2025, dispensed with the requirement of routing the online transfer claim through either the past or the present employer, in the following transfer cases:

- i. **Same UAN, post-October 1, 2017, allotment:** Transfers between member IDs linked with the same UAN, where the UAN was allotted on or after October 1, 2017, and is linked with Aadhaar.
- ii. **Different UANs, post-October 1, 2017, allotment, same Aadhaar:** Transfers between member IDs linked with different UANs, where such UANs were allotted on or after October 1, 2017, and are linked with the same Aadhaar.
- iii. **Same UAN, pre-October 1, 2017, allotment:** Transfers between members IDs linked with the same UAN, where the UAN was allotted prior to October 1, 2017, is linked with Aadhaar, and the name, date of birth, and gender are identical across the member IDs.
- iv. **Different UANs, at least one pre-October 1, 2017, allotment:** Transfers between member IDs linked with different UANs, where at least one of the UANs was allotted prior to October 1, 2017, is linked with the same Aadhaar, and the name, date of birth, and gender are identical across the member IDs.

The EPFO has, *vide* a circular dated January 16, 2025, also issued directions to simplify the process of joint declaration for member profile details (categorised into different categories). These directions are as follows:

- i. The levels at which such change can be executed are now revised. For instance, employee-level modifications can be executed in instances where the member ID is linked with UAN generated based on Aadhar from October 1, 2017, and the joint declaration was received online.
- ii. Once DigiLocker is introduced, documents such as passport, birth certificate, bank passbook, PAN card and/or other acceptable documents can be submitted through it (where feasible).
- iii. If a member cannot file the joint declaration request online, the employers may file a request online, including for deceased members.
- iv. Closed establishments can now submit the physical joint declaration request (duly attested by any one of the authorised authorities) to the relevant authority.
- v. In case of deceased members, any one of the claimants under the Employees' Provident Funds Scheme, 1952, can sign the physical joint declaration format without requiring to match with Aadhar data.

D. EPFO issues circular for de-linking erroneously linked member IDs from UAN

To facilitate the de-linking of any erroneous member ID from the UAN, the EPFO has, *vide* a circular dated January 17, 2025, announced a dedicated facility for members to address such issues, particularly if the erroneous member ID was linked without their knowledge. The circular contains a detailed user manual that provides guidance on the process, including the various steps involving logging into the member interface, accessing service history, clicking on a confirmation prompt, and providing consent for de-linking, by generating a one-time password (OTP) on the member's Aadhar registered phone number.

E. Ministry of Labour and Employment (MoLE) urges aggregators to disseminate information regarding the e-Shram portal

Owing to the rapid expansion of the gig and platform economy, the Union Budget 2025–26 has announced several provisions, including: (i) registration of online platform workers on the e-Shram portal; (ii) issuance of identity cards; and (iii) healthcare coverage under Ayushman Bharat Pradhan Mantri Jan Arogya Yojana



(AB-PMJAY). The AB-PMJAY provides a cover of INR 5,00,000 (Indian Rupees Five Lakhs) per family per year for secondary and tertiary care hospitalisations across more than 31,000 (thirty-one thousand) public and private empaneled hospitals. To ensure the early implementation of these provisions, the MoLE, *vide* a press release dated March 8, 2025, has urged gig and platform workers to prioritise self-registering on the e-Shram portal to qualify for benefits under the AB-PMJAY scheme. It also urged platform aggregators to disseminate this information among platform workers and facilitate their registration on the portal.

II. Key State Legislative Updates

Chhattisgarh

A. Chhattisgarh Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2017 (Chhattisgarh Shops Act) given effect

The Ministry of Labor, Government of Chhattisgarh, *vide* a notification dated February 13, 2025, brought into effect the Chhattisgarh Shops Act, replacing the Chhattisgarh Shops and Establishments Act, 1958 (1958 Act). The new legislation contains provisions pertaining to registration, duties of the employer, working hours, leave and holidays, certain welfare provisions, and penalties.

In a departure from the 1958 Act, the Chhattisgarh Shops Act allows shops and establishments to remain open all days of the week, provided every worker receives a weekly holiday of at least 24

(twenty-four) consecutive hours of rest. The penalty for contravention has also been increased to INR 5,00,000 (Indian Rupees Five Lakhs) in certain cases, from the earlier cap of INR 500 (Indian Rupees Five Hundred) under the 1958 Act.

B. Chhattisgarh permits establishments and contractors to employ women workers during night shifts

The Government of Chhattisgarh, *vide* notifications dated March 10, 2025, and February 14, 2025, has introduced draft amendments to the Contract Labour (Regulation and Abolition) Act, 1970, and the Chhattisgarh Shops Act, respectively, to allow commercial establishments and contractors to employ women workers for night shifts, subject to certain conditions.

The Government of Chhattisgarh has invited public suggestions to the draft amendments, which will be considered on the expiry of 30 (thirty) days from the date of publication in the Official Gazette.

Nagaland

A. Nagaland publishes draft Industrial Relations Rules, 2025 (IR Rules)

The Department of Labour and Employment, Skill Development and Entrepreneurship, Government of Nagaland, *vide* a notification issued in February 2025, has published the draft IR Rules for public consultation, and these will be taken into consideration 45 (forty-five) days after the publication of the said notification in the Official Gazette.

Madhya Pradesh

A. The Government of Madhya Pradesh issues guidelines for effective enforcement of the Building and Other Construction Workers Welfare Cess Act, 1966 (BOCW Cess Act)

The Labour Commissioner's Office, Government of Madhya Pradesh, has issued a circular dated March 7, 2025, to all Labour Commissioners for the effective assessment of cess collected under the BOCW Cess Act.

The key guidelines issued by the Labour Commissioner's Office are as follows:

- i. The urban bodies in urban areas are now responsible for issuing construction permits for building and other construction work. They must give the map approval only after collecting the mandated cess amount of 1 per cent of the construction cost.
- ii. The urban bodies must remit the cess within 30 (thirty) days of collection to the Madhya Pradesh BOCW Welfare Board, Bhopal (**Board**), as per Rule 5(3) of the Building and Other Construction Workers Welfare Cess Rules, 1998.
- iii. The Cess Assessing Officer concerned must assess cess for all construction works. Works for which cess has not been assessed, or where the assessed cost is less than the actual construction cost, should be registered immediately, and the cess amount should be deposited with the Board within 30 (thirty) days following the completion of the cess assessment.
- iv. Labour Commissioners must coordinate with district panchayats to ensure that the cess is appropriately assessed and remitted to the Board for construction works carried out in rural areas.

Meghalaya

A. Government of Meghalaya introduces online initiatives for ease of doing business

The Department of Labour, Employment and Skill Development, Government of Meghalaya, *vide* notifications dated February 5, 2025, has introduced several online initiatives for ease of compliance with labour laws in the state, including the submission of applications for registration under various legislations on the Invest Meghalaya Portal, the submission of returns through an online single-window system, etc.

B. Government of Meghalaya issues draft rules under the Labour Codes

The Department of Labour, Employment and Skill Development, Government of Meghalaya, *vide* notifications dated January 3, 2025, has issued

the following draft rules under the Labour Codes for public consultation: (i) Draft Code on Wages Meghalaya Rules, 2024, under the Code on Wages, 2019; (ii) Draft Code on Social Security Meghalaya Rules, 2024, under the Code on Social Security, 2020; (iii) Draft Code on Industrial Relations Meghalaya Rules, 2024, under the Code on Industrial Relations, 2020; and (iv) Draft Meghalaya Occupational Safety, Health and Working Conditions Rules, 2024, under the Occupational Safety, Health and Working Conditions Code, 2020.

These rules are still in the draft stage and will come into force only from the date of their final publication in the Official Gazette.

Karnataka

A. Government of Karnataka notifies the Factories Self Certification Scheme, 2024

The Government of Karnataka, *vide* notification dated January 4, 2025, has notified the Karnataka State Factories Self Certification Scheme, 2024 (**Scheme**), to ensure voluntary compliance with the provisions of the Factories Act, 1948, Payment of Wages Act, 1936, and the Maternity Benefit Act, 1961 (collectively, **Applicable Laws**), and reduce multiple inspections by the Labour Department. Factories under the Scheme shall not be inspected, except for those picked randomly by computerised selection. This, however, does not bar inspections for the investigation of accidents/dangerous occurrence, occupational disease, and conducting training/awareness programmes with the occupier's consent. The occupier may opt for certification under the Scheme by submitting a self-declaration, which shall be valid for a period of 5 (five) years.

Delhi

A. Government of National Capital Territory of Delhi recommends use of 'She Box Portal' for registering complaints under the POSH Act

The Labour Department, Government of National Capital Territory of Delhi, *vide* order dated January 6, 2025, has recommended using the "She Box Portal", developed by the Ministry of Women and Child and launched on August 29, 2024, for the online registration



of complaints under the POSH Act. Employers in the public and private sectors can register with the She Box Portal. Labour authorities are directed to sensitise employers and seek information from them on the constitution of Internal Committees, and inform them about the She Box Portal.

Andhra Pradesh

A. Government of Andhra Pradesh exempts all Information Technology and Information Technology Enabled Services (IT/ITES) establishments from operation of certain provisions under the Andhra Pradesh Shops and Establishments Act, 1988 (AP Shops Act) for further period of 5 (five) years

The Labour Factories Boilers and Insurance Medical Services Department, *vide* notification dated March 25, 2025, has exempted IT/ITES establishments for an additional period of 5 (five) years from the date of publication of the notification in the Official Gazette. These exemptions apply to various provisions of the AP Shops Act, including those related to opening and closing hours, hours of work, young persons and women employees. These are also subject to compliance with the prescribed conditions, including the payment of overtime wages, provision for weekly off and compensatory holiday, adherence to specified safety measures for women employees during night shift, and maintenance of soft copies of registers.

The exemptions granted under this notification may be revoked at any time without prior notice for any contravention of the stipulated conditions or for any other reason.

Maharashtra

A. Maharashtra introduces Maharashtra Private Placement Agencies Bill, 2025

The Government of Maharashtra presented the Maharashtra Private Placement Agencies Bill, 2025 (**Bill**), to the Maharashtra Legislative Assembly, which was duly passed on March 26, 2025. The Bill aims to regulate private placement agencies to ensure transparency in job placement and safeguard the interests of job seekers. As per the Bill, the provisions will come into force on the date appointed by the Maharashtra Government through a notification in the Official Gazette.

Tamil Nadu

A. Tamil Nadu introduces draft amendment to the Tamil Nadu Shops and Establishments Rules, 1948 (TN Shops Rules) framed under the Tamil Nadu Shops and Establishments Act, 1947

The Labour Welfare and Skill Development Department, Government of Tamil Nadu, vide notification dated February 14, 2025, has published a draft amendment to the TN Shops Rules. The new rule directs employers of establishments to submit a combined annual return through the Labour Department's designated web portal. They must furnish this, in Form ZC, to the Inspector of the area in which their respective establishments are located on or before January 31 of each year. The draft amendment will be considered on or after the expiry of 2 (two) months from the date of publication of the notification, and objections and suggestions, if any, have been invited.

JUDICIAL UPDATES

I. Supreme Court (SC)

A. Judgment reserved in re: differential maternity benefits provided to adoptive mothers

The SC has reserved its judgment in *Hamsaanandini Nanduri v. Union of India* (W.P.(C) No. 960/2021), a case challenging the constitutional validity of Section 5(4) of the Maternity Benefit Act, 1961 (**MB Act**). The MB Act entitles only mothers adopting a child below the age of 3 (three) months to seek maternity leave of 12 (twelve) weeks.

The challenge to Section 5(4) of the MB Act is based on the contention that the MB Act is a social welfare legislation and that restricting the maternity leave benefits to only mothers adopting children aged below 3 (three) months and not extending it to those adopting children older than 3 (three) months is not based on any reasonable classification under law.

B. Assertion of usage of “filthy language” and resulting dismissal of an employee does not trigger criminal liability against employer

In *Madhushree Datta v. State of Karnataka* (2025 2 S.C.R. 187), the SC quashed the chargesheet and proceedings against the appellant employees accused of harassing and intimidating a former employee, ruling that the allegations did not meet the necessary legal standards for the charges under the Indian Penal Code (**IPC**).

The respondent-complainant had lodged a complaint and a First Information Report (**FIR**) against the appellant employees and their employer company, alleging that they had subjected her to physical and mental torture, coerced her into resigning, confiscated her laptop containing her intellectual property, and used filthy language and threats against her. Based on the FIR, a chargesheet was filed against the appellant employees under various sections of the IPC, including those related to causing hurt, intentional insult, criminal intimidation, and insulting the modesty of a woman. The appellant employees filed a petition before the Karnataka HC, seeking quashing of the chargesheet and the proceedings, on the grounds that the allegations were false, vague, and motivated by malice. The HC,

however, dismissed the petitions, holding that the allegations, *prima facie*, met the ingredients of the offences.

Observing that none of the ingredients of the offences under the IPC was present, the SC specifically held that the mere assertion of the employer using “filthy language” while scolding an employee was not sufficient to constitute an offence under the relevant provisions of the IPC. The Court noted that the complainant had also filed a reference before the labour court challenging her termination and seeking reinstatement, indicating that the dispute was essentially civil in nature. It also identified inconsistencies in the chargesheet, implying that the complainant had made a deliberate attempt to transform a civil dispute into a criminal matter, potentially to pressurise the appellants into settling the dispute.

Accordingly, the SC allowed the appeals and quashed the chargesheet and the proceedings against the appellant employees; however, it clarified that its findings would have no bearing on the pending reference before the labour court.

II. High Courts (HC)

Rajasthan HC

A. State and private sector employers must endeavour to complete departmental inquiries within 6 (six) months

In *Sardar Mal Yadav v State Elementary Education & Ors.* (S.B. Civil Writ Petition No. 807/2012), the Rajasthan HC has mandated that every employer (whether State or private) make sincere efforts to conclude departmental inquiry proceedings initiated against a delinquent employee within a reasonable time by prioritising such proceedings and, to the extent possible, do so within a period of 6 (six) months as an outer limit.

The petitioner-employee was served with the chargesheet in 2011, and the enquiry was completed on March 4, 2014. However, despite the passage of more than 12 (twelve) years, the disciplinary

authority did not pass any final orders. Accordingly, the petitioner-employee approached the Rajasthan HC for appropriate orders.

The Rajasthan HC observed that the delay in the conclusion of the departmental proceedings was against the government service rules, which mandates that the final order be passed immediately after receipt of the enquiry report, which was not done in this case. Emphasising that it is the employer's duty to ensure the conclusion of departmental enquiries within the shortest possible time period, the Court observed that where it is not possible for the employer to conclude within 6 (six) months, efforts should be made to do so within a reasonably extended period, depending on the cause and the nature of the enquiry.

As of date, the Rajasthan HC has not passed any final orders/judgement in this matter. It is listed for further adjudication in May.

B. Sunday and other paid holidays are to be taken into consideration while determining continuous service of a workman under the Industrial Disputes Act, 1947 (ID Act)

In *Lal Chand Jindal v Regional Manager, Bank of Baroda* (S.B. Civil Writ Petition No. 1334 of 2015), the Rajasthan HC, based on the settled position of law, held that Sundays and other paid holidays must be included when calculating the tenure of the workman.

The petitioner-workman had filed a writ petition before the Rajasthan HC against an award passed by the Central Industrial Tribunal (**Tribunal**). The Tribunal had rejected the workman's statement of claim on the ground that he had failed to work for more than 240 (two hundred and forty) days in the preceding year.

The Rajasthan HC noted that the Tribunal failed to consider Section 25-B(2) of the ID Act. Although this provision defines "continuous service", it does not clarify whether Sundays and paid holidays are excluded. The Rajasthan HC then held that the phrase "*actually worked under the employer*" as set out in Section 25-B(2) has been interpreted by



various courts (including the SC) to encompass not only the days on which the workman performed duties, but also any other days during which the workman was in the employer's service and received wages - whether under an explicit/implied contract of employment, by operation of statute/standing orders, or by operation of other similar regulations.

Calcutta HC

A. Payment of gratuity is a distinct obligation under the Insolvency and Bankruptcy Code, 2016 (IBC) and can be recovered from an employer, even after a successful resolution plan has been implemented

In *M/s. Stesalit Limited v Union of India & Ors.* (2025: CHC: 532), the Calcutta HC upheld the order of the Assistant Labour Commissioner directing the payment of gratuity to an ex-employee, who had resigned before the petitioner company was taken over by a new management under insolvency proceedings. The court emphasised that gratuity dues are distinct from the corporate debtor's assets and must be paid in full, regardless of the change in the company's management.

The respondent, a former employee of the petitioner company, had filed a claim for gratuity during the corporate insolvency resolution process (**CIRP**) of the petitioner company. The claim was admitted but only partially awarded under the approved resolution plan. The respondent employee did not challenge

the resolution plan or the amount awarded before the National Company Law Tribunal but filed an application under the Payment of Gratuity Act, 1972, (**Gratuity Act**) before the controlling authority, which allowed the application and directed the payment of gratuity along with interest.

Aggrieved, the petitioner company filed a writ petition before the HC, challenging the jurisdiction of the Assistant Labour Commissioner and contended that the IBC, being a special legislation, has an overriding effect on the provisions of the Gratuity Act. The petitioner company also argued that the respondent employee had indulged in forum shopping and abuse of the process of law by filing the application under the Gratuity Act despite already receiving an award under the resolution plan.

The Calcutta HC rejected the petitioner company's contentions and dismissed the writ petition. It held that the Assistant Labour Commissioner had the jurisdiction over the issue of gratuity, as the petitioner company had never shut down or entered liquidation. The HC further held that gratuity dues are not part of the liquidation estate or the assets of the corporate debtor, but constitute employees' earned entitlements, which are excluded from the distribution among creditors under Section 36 of the IBC.

Madras HC

A. Courts must not deal with cases involving a review of sexual harassment proceedings based on hyper-technical approach

In *HCL Technologies Ltd. v Y* (2025: MHC: 202), the Madras HC held that while reviewing sexual harassment proceedings, courts should not be carried away with insignificant discrepancies or hyper-technicalities. They should ensure comprehensive appreciation of evidence, with a firm focus on the alleged act of sexual harassment rather than the intent of the perpetrator.

Following complaints of sexual harassment filed against the respondent, the internal committee (**IC**) (constituted under the POSH Act) of the petitioner

company had found that the respondent guilty, which led to his subsequent dismissal from employment.

Aggrieved by the petitioner company's decision, the respondent moved the labour court, seeking to set aside the IC's recommendations. The respondent's main submissions were (i) no supporting document for the complaint was provided to enable him to adequately defend himself and; (ii) the cross-examination was improper, as the questions he intended for the witnesses were not asked. The labour court set aside the IC's decision by holding that the respondent was not given a fair opportunity to be heard.

The petitioner company then moved the HC on the ground that the labour court had gone beyond its jurisdiction and wrongfully set aside the IC recommendations.

The Madras HC held that the respondent's submissions before the labour court were baseless, considering the respondent was, in fact, provided a complaint copy and afforded a cross-examination opportunity through a questionnaire (keeping in mind the safety of the parties). Noting that the respondent had kept sending questions under the garb of being given a fair opportunity, the HC held that the IC has the discretion to filter/rephrase questions to suit the mode of enquiry and cannot be expected to handle all questions by putting it to the victim and witnesses. Further, the Madras HC held that the labour court should not have emphasised the non-furnishing of the video footage, as the complainant had already detailed the uneasiness caused by the respondent's actions.

Lastly, the Madras HC concluded that in cases of sexual harassment, the respondent's intention should not be given excessive weight. Instead, what truly matters is how the complainants perceive the respondent's actions and the effect those actions have on them. However, if the behaviour is reported as a criminal offence, the prosecution may be required to prove the intent of the respondent as well.

Madhya Pradesh HC

A. A private employer cannot be subject to writ proceedings under the Constitution of India (Constitution), unless the employer performs a public duty

In *Vikram Singh v Union of India & Ors.* (2025:MPHC-IND:1186), the Madhya Pradesh HC held that a writ petition filed against the respondent private employer challenging an order of premature termination of employment was not maintainable, as the respondent employer was not performing any public duty.

The petitioner-employee had filed a writ petition challenging an order the respondent-employer had passed, which directed the pre-mature superannuation of the petitioner at the age of 58 years – two years before to the 60 years prescribed under the Madhya Pradesh Industrial Employment (Standing Orders) Rules, 1963. He argued that

his fundamental right to livelihood under the Constitution was violated. The State raised a preliminary objection to the maintainability of the writ petition on the ground that the employer was a private company. The petitioner-employee submitted that the writ was maintainable given the respondent-employer was controlled by the Union of India and was discharging public duty, making it amenable to writ jurisdiction under the Constitution.

The Madhya Pradesh HC observed that a writ petition was maintainable against a private person, only if the private person was discharging a public function. Further, the Court distinguished the applicability of the aforesaid principle to the present facts, stating that the right to continue in service is not a fundamental right. The HC reasoned that since the petitioner employee's prayed relief could not be considered as relating to any public duty of the respondent employer, the respondent-employer's actions cannot be held to be a breach of public duty.

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