

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL, MUMBAI

PRESENT

SMT. PRANIT MOHANTY  
IN-CHARGE PRESIDING OFFICER

REF. NTB-1 OF 2021

08.9.2021

Mr.B.K.Ashok, learned counsel for the management is present.

Mr.A.S.Peerzada, learned counsel present on behalf of the second party Union.

The matter came up today for hearing of the applications 5.8.2022 filed by the first party management. Copy of the application was served on the second party to file reply to the same. Argument was heard being advanced by the A.R. for both the parties.

The Reference has been received from the appropriate government to adjudicate if the termination of service of 297 non-journalist news paper employees by the management Press Trust of India on 29.9.2018 is proper and justified and if not, to what relief those employees are entitled to?

The pleading was completed and when the issues were to be framed the management first party filed two applications stating that the Reference was challenged by the management before the Hon'ble High Court of Delhi and the Hon'ble Court observed that some of the terminated employees since have received the retrenchment compensation, the dispute shall be adjudicated with reference to the remaining employees. In view of the said observation it is now necessary for the claimants to furnish the list of the employees who are to contest this proceeding as the terminated employee and the remaining employee if want to contest the proceeding even after the receipt of the retrenchment compensation they shall refund the same. It has also been prayed that the claimants be directed to file individual claim petition.

The learned A.R. for the workmen took serious objection to the prayers made in the petition and submitted that the retrenchment compensation cannot be equated with the monetary benefits granted to an employee accepting V.R.S. The retrenchment compensation is statutorily paid to the employees whose employment is brought to an end by the employer. Merely because a claimant has accepted the retrenchment compensation that doesn't mean that his right to challenge the termination as illegal shall stand closed.

On hearing the submission, it appears that these are the facts to be proved at the time of final adjudication of the matter. The eligibility of the claimant to contest the proceeding on account of acceptance of retrenchment compensation cannot be decided at this stage since the same will have the effect of pre-judging the matter. Hence, while keeping the applications pending it is directed that the issues raised in both the petitions shall be adjudicated during the final adjudication of the matter.

Draft issues have been filed by the claimants but no draft issue by the management is on record. Hence, it is directed that the management shall file the draft issue and the hearing shall commence on framing of issues on 20.10.2022.

  
PRESIDING OFFICER