

**New Labour Codes of India**  
**Professor K. D. Raju**  
**Rajiv Gandhi School of Intellectual Property Law**  
**Indian Institute of Technology, Kharagpur**  
**Lecture 16**  
**Lay - off**

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Dear students in this class we are going to discuss about lay off. So, last class we were talking about lockouts. So, how the lay-off is different from lockouts? So, lay-off, unlike lockouts, is temporary closure due to prescribed reasons under the code. So, what are the particular reasons mentioned under the IR code? In case of lay-off, whether the compensation is to be paid to the workers, so, how the compensation is to be calculated. So, in certain circumstances, whether the compensation is not to be paid. So, what are the other provisions related to lay-off?

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### CONCEPTS COVERED

- Industrial Relations
- Lay-off
- Prohibition on Lay-off
- Compensation in Lay-off

### KEYWORDS

- Lay-off

So, today, we are going to discuss about the prohibition of Lay-off, compensation in the case of lay-off and also the special provisions with regard to the calculation of lay-off.

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#### Introduction – concept

- Lay-off refers to the provisional termination of the employee, at the instance of the employer.
- Section 2 (kkk) of Industrial Dispute Act, 1947.
- lay- off" (with its grammatical variations and cognate expressions) means the **failure, refusal, or inability of an employer** on account of a **shortage of coal, power, or raw materials or the accumulation of stocks** or the **breakdown of machinery** or **natural calamity** or for any other connected reason] to give employment to a workman whose name is borne on the muster rolls of his industrial establishment and who has not been retrenched.

So, the concept of lay-off is very clearly mentioned under Section 2 (k)(k)(k) of the Industrial Dispute Act 1947. So, it says failure, refusal or inability of an employer on account of a shortage of coal, power or raw materials or accumulation of stocks or a breakdown of machinery or natural calamity or for any other connected reason. So, he failed to give employment to a workman whose name is borne on the muster rolls of an industrial establishment or who has not been retrenched.

So, in the next class, we are going to discuss about what is retrenchment. So, the concept of lay-off is very clear, it is the provisional termination of the employee and also this is at the instance of the employer. Lay-off can be done only in certain circumstances which are prescribed under the old definition very clearly says and thnew definition also under the IR code also is not much different from this particular definition.

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#### Introduction – Layoff and Retrenchment

- A layoff is a measure that is used only in **continuing businesses**.
- A layoff is **not used if the employer decides to permanently shut down his industrial establishment**.
- The termination in a layoff is **temporary** while termination in retrenchment is **permanent**.

So, we can very well see that the lay-off is a measure used only in a continuing business. In the case of lockouts, lay-off cannot be used which means an employer cannot use lockout and lay-off simultaneously. So, in the case of lay-off, the employer is deciding not to shut down his industrial establishment permanently.

So, a lay-off is for maybe a period of time, it is a temporary measure, and at the same time termination of the service or retrenchment is always permanent. So, a lay-off is a temporary measure, it is not a permanent shutdown of the industry, not a permanent shutdown of the establishment.

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#### Introduction – Layoff and Retrenchment

- Layoff refers to the removal of employees by the employer for reasons other than the employee's fault.
- A layoff is temporary in nature as it indicates the incapability of an employer to continue the employment of the workers for a short period.



So, a lay-off can be referring to the employers or employees the reason is not attributable to the employee's fault. It is not at all the fault of employees. The lay-off is imposed not as a result of the employee's fault. And lay-off cannot be done against a strike. See it mostly indicates the incapability of the employer to continue with this establishment of employment of workers for a shorter period of time.

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### Section 2 (t): Lay-off

- "Lay-off" (with its grammatical variations and cognate expressions)
- means the **failure, refusal or inability**
- of an employer
- on account of **shortage of coal, power or raw materials or the accumulation of stocks or the break-down of machinery or natural calamity or for any other connected reason,**
- to give employment to a worker whose name is borne on the **muster rolls** of his industrial establishment and who has not been retrenched.

So, this inability is statutorily mentioned, what are those inabilityities? So the IR code provision Section 2(t), clearly says exactly the same termination from the ID Act( Industrial Dispute Act). Failure or refusal or inability of an employer clearly says what are the grounds you can impose lay-off. Shortage of coal, power, raw materials or accumulation of stocks, breakdown of machinery or natural calamity or any other reasons connected with the establishment.

So, there is no change in the definition of lay-off and the parameters are very clearly mentioned under Section 2(t) of the IR code. So, the parameters are very clear, it is not the fault of the employees, and it may not be the fault of employers, but we can clearly see the inability of the employer to provide employment due to certain reasons.

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### Section 2 (t): Lay-off

- Provided that if the worker,
- is asked to present himself for the purpose during the **second half of the shift for the day** and **is given employment** then,
- he **shall be deemed to have been laid-off only for one-half of that day**
- In other cases: **shall be entitled to full basic wages and dearness allowance for that part of the day;**

And it very clearly says that, so, in shift employees or can you give half day work. So, when the employee is called as laid-off. So, whether the employees are entitled to the basic wages, whether the employees are entitled to the full wages during the lay-off period. So, this we are going to discuss.

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### Recent Example: Unacademy (EduTech) has Laid off Employees in April 2022

- The firm has **laid-off full-time employees, contractual workers, and educators**
- In March 2022, Unacademy had laid off over 100 employees from its Ladder team
- Its **loss** widened by 494% for the March 2022 quarter
- **Increased expenses** of approx. 2,030 crore in FY21
- Significant **rise in its employee benefit expense**

So, we can see that in one of the very recent cases Unacademy EduTech laid 600 employees in 2022 very recently and also, you can see that what is the reason, which they have mentioned but they have laid-off permanent workers, whether they have laid-off contractual workers and also whether they are educators. So, in these what are the reasons and what are the consequences we can see in this particular very recent case they have marked a 494

percent loss and the increased expenses and there is a significant rise in total expenditures, the benefits have been increased. So, the employer cannot afford the employees.

So, there is no other way on the part of the employees other than to laid-off some part of the employees. So, whether it is 600 or 1000 employees, so, it depends upon how the company is performing. So, financial losses may be one of the reasons. So, the increase in working expenditures can be one of the reasons for laid-off. So, it is basically, especially in the pandemic time, that many companies have gone on lay-off. So, due to many reasons.

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#### **Chapter IX**

##### **Lay-Off, Retrenchment and Closure**

65. Application of sections 67 to 69

66. Definitions of Continuous service

67. Rights of workers laid-off for compensation, etc.

68. Duty of an employer to maintain muster rolls of workers

69. Workers not entitled for compensation in certain cases

#### **Chapter X**

##### **Special Provisions Relating to Lay-Off, Retrenchment and Closure in Certain Establishments**

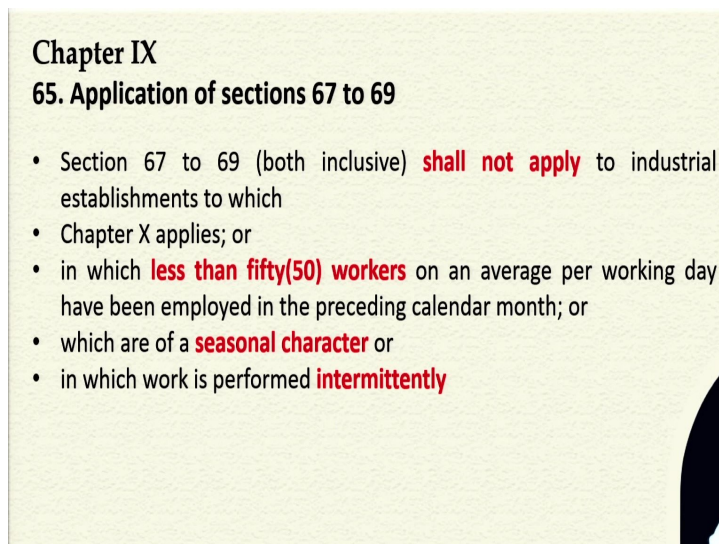
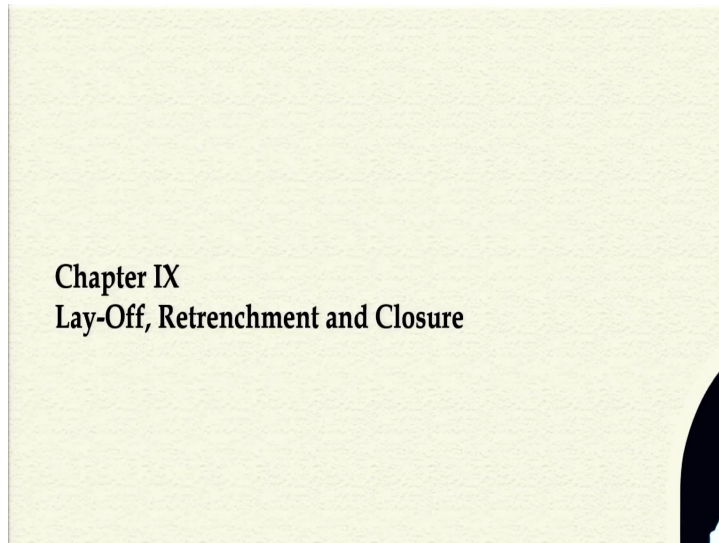
77. Application of this Chapter

78. Prohibition of Lay-off

81. Duty of an employer to maintain muster rolls of workers

So, if you look into the provisions, we can see a number of provisions in the IR code and also what are the rights of the workers during the lay-off period with regard to compensation and what are the duties of the employer with regard to lay-off and which are the circumstances under which the workers are not entitled to compensation and also in certain cases the prohibition of lay-off. So, we will see these provisions.

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So, we can see that in certain cases, these provisions cannot be applicable, and the rate of provisions cannot be applicable where there are less than 50 workers on average per working day. So, that means that which is some are of a seasonal character and also some industries are performing intermittently these provisions are not applicable.



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## Chapter IX

### 65. Application of sections 67 to 69

- Whether an industrial establishment is of a **seasonal character** or Whether work is performed therein only **intermittently**,
- The decision of the appropriate Government thereon **shall be final**.
- Industrial establishment shall mean a—
  - Factory as defined in section 2(m) of the Factories Act, 1948; or
  - Mine as defined in section 2(2)(j) of the Mines Act, 1952; or
  - Plantation as defined in section 2(f) of the Plantations Labour Act, 1951.

And also we can see is that especially when you say that seasonal character, what do you mean by exactly seasonal character or intermittently? So it will depend upon the facts whether it is really intermittent or a seasonal character. So, the government gives a schedule of employment, which is of a seasonal character and also what are intermittent working under whether it is under the factories act or it is under the mines act.

So, we can see that. So, the industrial establishment includes all the establishments, whether establishments under the Factories Act or it is under Mines Act or even the Plantation Labour Act. Now, all these acts are merged into the new codes, different codes like the IR code or it is the Occupational Health and Safety Code and other codes.

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## Chapter IX

### 66. Definitions of Continuous service

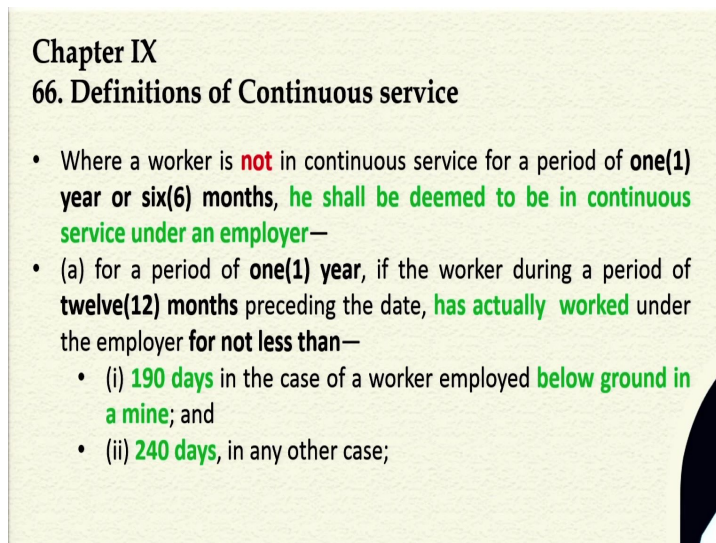
- Continuous service in relation to a worker, means
- The **uninterrupted service** of such worker, including his service which may be interrupted on account of **sickness** or **authorised leave** or an **accident** or a **strike which is not illegal** or a **lock-out** or a **cessation** of work **which not due to any fault on the part of the worker**.



And so, this establishment includes all the areas. So, continuous service is very important for the purpose of laying off with regard to the compensations. What do you mean by continuous services, continuous services we know that uninterrupted services. So, what do you mean by uninterrupted services?

So, interrupted services due to sickness or authorized leave or some kind of accident or legal strikes or legal lockouts and cessation of work or inability of the workers to participate in certain cases, that particular period is not calculated, thus will be considered as an uninterrupted service. So, that means if somebody is on leave for a reason of sickness, still, he will be continued to be in uninterrupted service. So, uninterrupted service is very clear that if he is on legally legal leave, then he will be considered as on uninterrupted service.

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**Chapter IX**  
**66. Definitions of Continuous service**

- Where a worker is **not** in continuous service for a period of **one(1) year or six(6) months**, **he shall be deemed to be in continuous service under an employer—**
- (a) for a period of **one(1) year**, if the worker during a period of **twelve(12) months** preceding the date, **has actually worked** under the employer **for not less than—**
  - (i) **190 days** in the case of a worker employed **below ground in a mine**; and
  - (ii) **240 days**, in any other case;

And also, if a worker is not in continuous service for a period of 1 year and 6 months. So, if and also, if a worker is not in continuous service, that means, if he is not there, so and also in certain cases, he shall be deemed to be in continuous service. And so if he actually worked under the employer for not less than 190 days, in the case of mines, so it means that the statutory minimum is not required in the case of mine workers because they do a special kind of work and in all other cases, 240 days in a year. So, in other cases, 240 days will be considered as continuous period of service.

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## Chapter IX

### 66. Definitions of Continuous service

- Where a worker is **not** in continuous service for a period of **one(1) year or six(6) months**, **he shall be deemed to be in continuous service under an employer—**
- (b) for a period of **six(6) months**, if the worker during a period of **six(6) months** preceding the date has **actually worked** under the employer **for not less than—**
  - (i) **95 days** in the case of worker employed **below ground in a mine**; and
  - (ii) **120 days**, in any other case.

And also, we can see whether he is actually working. And again, whether he actually worked in the sense that 95 days in the case of the mine workers, that those who are working below the ground, and 120 days in case of the other services.

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## Chapter IX

### 66. Definitions of Continuous service

- The number of days **on which a worker has actually worked** under an employer **shall include** the days on which—
- (i) **he has been laid-off** under an agreement or as permitted or
- (ii) he has **been on leave on full wages earned** in the previous years; or
- (iii) he has been **absent due to temporary disablement caused by accident arising out of and in the course of his employment**; or
- (iv) in the case of a **female**, she has been on **maternity leave**, where the total period of such maternity leave does not exceed the period as specified in the Maternity Benefit Act, 1961.

So, this continuous definition of continuous service for the worker has actually worked which includes the period where he has been laid off as well. That means he will be on leave with full wages during the previous years as well. And also, he has been absent due to temporary disablement caused by accidents in the course of employment or in the case of female workers. The maternity period also will be concluded as at maternity period also will be

included as the continuous service. So, it means that in certain cases, the employees will be considered as in continuous service even though they will be absent during the working time.

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**Chapter IX**  
**67. Rights of workers laid-off for compensation, etc.**

- Whenever a **worker**
  - Other than a **badli worker** - a worker who is **employed in the place of another worker whose name is borne on the muster rolls**, but has **not** completed **one(1)** year of continuous service in the establishment or
  - Other than a **casual worker**
- Whose name is borne on the **muster rolls** and
- Who has completed **not less than one(1) year of continuous service** under an employer
- **is laid-off,**
- Whether continuously or intermittently, **he shall be paid by the employer for all days**(except weekly holidays) **during which he is so laid-off,**
- Compensation shall be equal to **Fifty(50%)** of the total of the **basic wages** and dearness allowances that would have been payable to him had he not

And what are the rights of workers during the laid-off period? In certain cases, workers include a badli worker. So, what badli worker in the sense that worker who is employed in the place of another worker who is name is there on the muster rolls but has not completed one year of continuous service and a person who is other than a casual worker and also who has not completed continuous service of less than one year and the person who is laid-off.

So, again the question is with regard to continuous service or intermittent services. So, it will depend upon the schedule of the state governments, whether it is intermittent service or otherwise it will be considered as seasonal service. So, in that case, the compensation is equal to 50 percent of the total basic wages and dearness allowances payable to him. So, it means that there is the government has very clearly mentioned about what is the entitlement of dearness allowance.

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## Chapter IX

### 67. Rights of workers laid-off for compensation, etc.

- Provided that if during any period of twelve(12) months, a worker is so **laid-off** for **more than forty-five(45) days**, **no such compensation shall be payable** in respect of any period of the lay-off **after the expiry of the first forty-five(45) days**, if there is an **agreement to that effect between the worker and the employer**
- In such case, it shall be lawful for the employer to **retrench** the worker in accordance with the provisions contained in section 70 at any time **after the expiry of the first forty-five(45) days of the lay-off** and
- when he does so, **any compensation paid to the worker for having been laid-off** during the preceding twelve(12) months **may be set off against the compensation payable for retrenchment**

And also we can see that compensation is the right of workers and also the term is also mentioned. So, that means if a worker is laid-off for more than 45 days, so, there is no such compensation shall be payable in respect of any of the period and lay-off after the expiry of the first 45 days if there is an agreement to that effect between the workers and employer.

But here we can see that other than retrenchment, the workers are eligible for compensation during the particular period of lay-off other than retrenchment. So, we say that, if any period of laid-off, the workers have a right to pay compensation and if anything is already paid, so, that particular wage may be set off against the compensation payable in case of retrenchment. So, if any money is paid during the lay-off period, then that can be set off against if he is retrenched later on. So, the right of workers to compensation during the lay-off period is very clear, under Section 67 of the IR code.



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## Chapter IX

### 67. Rights of workers laid-off for compensation, ID Act

- In **Papnasam Labour Union V. Madhura Coats Ltd.**
- constitutionality of Section 25-M of Industrial Disputes Act, 1947 was challenged on the ground that the section as amended by the Amendment Act of 1976 imposed **unreasonable restrictions** in so far as it required **prior permission** to be obtained to effect lay-off and as such it was ultra vires and void.
- It was held that the object of **Section 25-M is to prevent avoidable hardship** to the employees resulting from lay-off and maintain higher production and productivity by preserving **industrial peace and harmony**.

And again, this jurisprudence is very clear. In Papnasam Labour Union versus Madhura Coats Ltd one of the famous textile companies, here, the constitutionality of section 25-M of the Industrial Disputes Act was challenged. The company argued that you are putting unreasonable restrictions for and also the prior permission to be obtained for lay-off.

And so, these permissions are putting unreasonable restrictions, this was the allegation of the management. So, the court said that section 25-M is to prevent unavoidable or avoidable hardships to the employees to prevent avoidable hardships to the employees resulting from a lay-off and maintain high production and productivity and also for preserving industrial peace and harmony. So, it means that the notice period is very clear. So, a notice period has to be given. So, also, this prior permission is not an unreasonable restriction under Section 25-M of the ID Act at that point of time.



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## Chapter IX

### 68. Duty of an employer to maintain muster rolls of workers

- Notwithstanding that workers in any industrial establishment have been laid-off
- It shall be the duty of every employer to maintain
- A muster roll, and to provide for the making of entries therein
- By workers who may present themselves for work
- At the establishment
- At the appointed time
- During normal working hours

And here is very clearly there is a duty of the employer to maintain the muster rolls of workers, those who are all muster rolls so that they can decide whether compensation is to be paid or not to be paid. And it shall be the duty of every employee to maintain a muster roll because the muster roll is the attendance register. So, that we can find out who is eligible for compensation during the laid-off period.

And also we can see that the appointment time and their establishment and the period of working and also the normal working hours and everything can be made out from the muster rolls of workers. That is it is statutorily prescribed that it is the duty of every employer to maintain a muster roll.

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## Chapter IX

### 69. Workers not entitled for compensation in certain cases

- No compensation shall be paid to a worker who has been laid-off
  - i. if he refuses to accept any alternative employment in the same establishment or in any other establishment within eight(8) km, and such alternative employment does not call for any special skill or previous experience and can be done by the worker, provided that the wages which would normally have been paid to the worker are offered for the alternative employment also;
  - ii. if he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day;
  - iii. if such laying-off is due to a strike or slowing-down of production on the part of workers in another part of the establishment.

And also, no compensation shall be paid, no compensation shall be paid to the workers who have been laid off in certain circumstances, what are these circumstances? So, these circumstances are very clearly mentioned under Section 69. If the laid-off employee refuses to accept any alternative employment provided by the employer, in the same establishment, or any other establishment within 8 kilometres and the alternate employment does not call for any special skill or previous experience and can be done by the worker without any previous experience.

And also the employer has been offered the same wages normally have been paid the employer has offered the same wages on what the worker was already getting or paid to the worker are offered in the case of an alternate employment aspect.

And also the worker does not prevent and does not present himself for work at the end and also at the establishment at the appointed time during the normal working hours, at least once a day during the laid-off period. So, a laid-off period means the compensation is paid by the employer and it is the duty of every worker to come at least once to the establishment. But if such laid-off is due to a strike or slowing down of production on the part of the workers in another part of the establishment, then also he is not eligible for compensation. So, if the fault is with the worker, then he is not eligible for this laid-off compensation.

So, no compensation has to be paid if there is some kind of fault with the worker in the case of not accepting alternate employment. So, if he is not present in the establishment at least once a day and also he is taking part in an illegal strike or any kind of strike which is going to slow down production, then also he is not eligible for getting compensation.

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**Chapter X**  
**Special Provisions Relating to Lay-Off, Retrenchment**  
**Closure in Certain Establishments**

**Chapter X**  
**77. Application of this Chapter**

- The provisions of this Chapter **shall apply** to
  - An industrial establishment (not of a **seasonal character** or where **work is intermittent**)
  - In which not less than **300** workers, or such **higher** number of workers as may be notified by the appropriate Government,
  - Were employed on an average per working day in the preceding **twelve(12) months**.
- The **seasonal character** of an industry or **intermittent nature** of work, **shall be decided by appropriate Government** and be **final**.

So, we can see some of the special provisions with regard to certain establishments and these provisions apply to industrial establishments, which are not of a seasonal character or work is intermittent. So, here, this applies to this particular chapter, applies to workers who are not less than 300 workers or higher number of workers, maybe notified to the appropriate government.

And also the average working, so employed on average per working day, in the preceding 12 months, we can see that means 300 workers on average should be working in the particular establishments and the as we already said that the seasonal character or intermittent nature of the work will be decided by the appropriate government. So, it will be decided by the state governments and the central government.

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## Chapter X

### 77. Application of this Chapter

- Industrial establishment means—
- (i) A factory as defined in 2(m) of the Factories Act, 1948;
- (ii) A mine as defined in 2(1)(j) of the Mines Act, 1952; or
- (iii) A plantation as defined in 2(f) of the Plantations Labour Act, 1951.

And also the industrial establishment, we already said that it includes the factories, all establishments come under the Factories Act, Mines Act and the Plantation Labour Act.

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## Chapter X

### 78. Prohibition of Lay-off - Prior Permission

- **No worker** (other than a **badli worker** or a **casual worker**)
- whose **name is on the muster rolls** of an industrial establishment
- **Shall be laid-off** by his employer
- Except with the **prior permission** of the appropriate Government,
- Obtained on **an application with reasons**(electronically or otherwise) made in this behalf
- A copy of such application **shall also be served simultaneously on the workers concerned** in such manner as may be prescribed

And in certain cases, there is a prohibition of lay-off and also, and prior permission is required. So, here, in certain cases, it is an absolute prohibition. So, prior permission is required from the appropriate government. So, now, the prior permission is to be done electronically and also the copy of the application is served simultaneously to the workers concerned. So, with this prior permission, the court in earlier cases very clearly said that this prior permission is required because this is in order to avoid the eventualities and also the workers who are not going to be gone through the hardships.



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## Chapter X

### 78. Prohibition of Lay-off - Prior Permission

- Unless such lay-off is due to shortage of power, natural calamity, and
- In the case of a mine, such lay-off is due to fire, flood, excess of inflammable gas or explosion
- In case of a mine, the employer, shall, within 30 days from the date of commencement of such lay-off, apply, to the appropriate Government for permission to continue the lay-off.

So, if it is a lay-off is due to a shortage of power, or natural calamity. And in the case of mines, there can be fire or flood or excess of inflammable gas or explosion. And the employer can within 30 days from the date of such commencement of lay-off apply to the appropriate government. So, that means if some eventualities happened, in that case, the employer can impose lay-off and then later on within 30 days, they can apply for permission from the appropriate government.

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## Chapter X

### 78. Prohibition of Lay-off - Enquiry

- After receiving an application the appropriate Government,
- after making such enquiry as it thinks fit and
- After giving a reasonable opportunity of being heard to the employer, the workers concerned and the persons interested
- Having regard to the genuineness and adequacy of the reasons for such lay-off, the interests of the workers and all other relevant factors,
- By order and with reasons, grant or refuse to grant such permission
- A copy of such order shall be communicated to the employer and the workers.

And in case, in certain cases, there will be inquiries. So, the government after receiving an application for lay-off will be inquired into the particular matter. And a reasonable



opportunity will be given to the parties concerned the employer as well as the employees and also other people who are interested.

So, the state government will the appropriate government will look into the genuineness and adequacy of reasons for such lay-off. And also at the same time, the government will look into the interest of workers and all other interested parties. Even some cases the government will look into the public interest and pass such orders where granting or refusing permission to lay off and also whether it is granting or it is refusing permission the government have to give pass appropriate orders or send them to the workers as well as the employer.

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## Chapter X

### 78. Prohibition of Lay-off - Deemed to be Granted

- Where the appropriate Government **does not communicate the order granting or refusing** to grant permission to the employer
- Within **60 days**
- The permission applied for **shall be deemed to have been granted** on the expiration of **60 days** and
- The application **shall be deemed to have been disposed of** accordingly by the appropriate Government.

An order of the appropriate Government **shall be final and binding on all the parties concerned and shall remain in force for 1 year** from the date of such order.

And in several cases it will be considered as the permission is deemed to be granted. So, if the government does not communicate in person an application, where it is granting or refusing within 60 days of receiving such application, in such cases, the permission shall be deemed to have been granted and the application shall be deemed to have been disposed of that in such cases, if the government is not replying to the application for lay-off within 60 days period, then it will be deemed to have been granted. So, the order of the government is final and binding on the parties concerned and also it will be in force for 1 year from the date of such order.

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## Chapter X

### 78. Prohibition of Lay-off - Review of Order

- The appropriate Government may, on its own motion or on the application made by the employer or any worker,
- Review its order granting or refusing to grant permission
- Or refer or cause it to be referred, to a Tribunal for adjudication:
- Provided that when a reference has been made to a Tribunal, it shall pass an award within **30 days** from such reference.

And a review order also can be passed by the state governments. And so, there will be an appeal also to the tribunals or it can be the state tribunals or the central tribunal and an appeal can be filed and the decision will be final.

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## Chapter X

### 78. Prohibition of Lay-off - Benefits

- Where no application for permission is made, or permission has been refused,
- Such lay-off shall be deemed to be illegal from the date on which the workers had been laid-off and
- The workers shall be entitled to all the benefits under any law for the time being in force as if they had not been laid-off.

And we can see what are the benefits if no application for permission is made, or in the case of permission is refused. So, in that case, the lay-off will be considered as illegal. From the date on which the establishment has been or the employees have been laid-off, the workers are entitled to all the benefits under the law from the date of lay-off. So, if the employer is failed to file an application for permission or the permission has been refused, but still, the employer goes on or continues with lay-off then it will be considered as an illegal lay-off.

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### Section 2 (t): Lay-off

- **The Associated Cement Companies Limited, Chaibassa Cement Works, Jhinkpani v. Their Workmen, AIR 1960 SC 56:**
- The right of workmen to lay-off compensation is based on grounds of humane public policy and the statute which gives such right should be **liberally interpreted.**

In this particular case, The Associate Cement Companies Limited versus their workmen in 1960 judgement. So, here the court said that the right of workmen to lay off compensation is based on grounds of human public policy and the statute which gives its right should be liberally interpreted. So, the court said that this compensation, the provision for compensation in the case of lay-off is based on human public policy. So, the compensation has to be paid during the lay-off period, because otherwise, it is going to be severely affected the workers.

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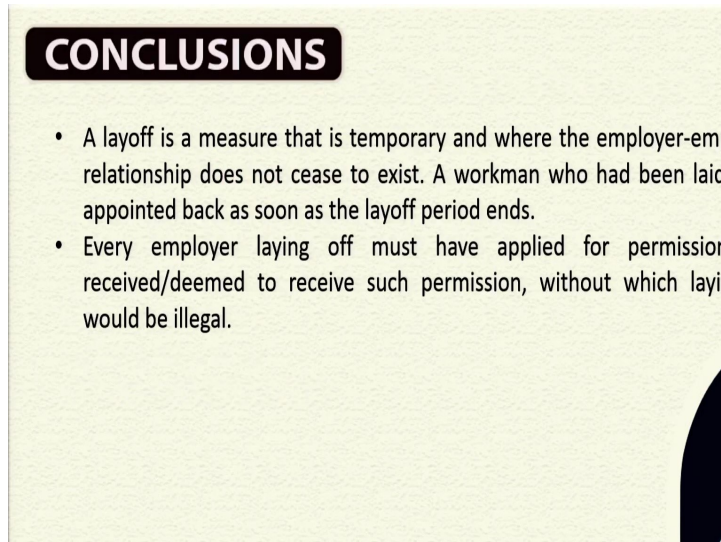
### Chapter X

#### 81. Duty of an employer to maintain muster rolls of workers

- Notwithstanding any lay-off,
- It shall be the **duty of every employer**
- **To maintain a muster roll, and**
- **To provide for the making of entries therein by workers**
- who may present themselves for work
- at the establishment
- at the appointed time
- during normal working hours.

And we already said that it is the duty of the employer, every employer to keep a muster roll and also, which is showing their point of time as well as their normal working hours and other establishments.

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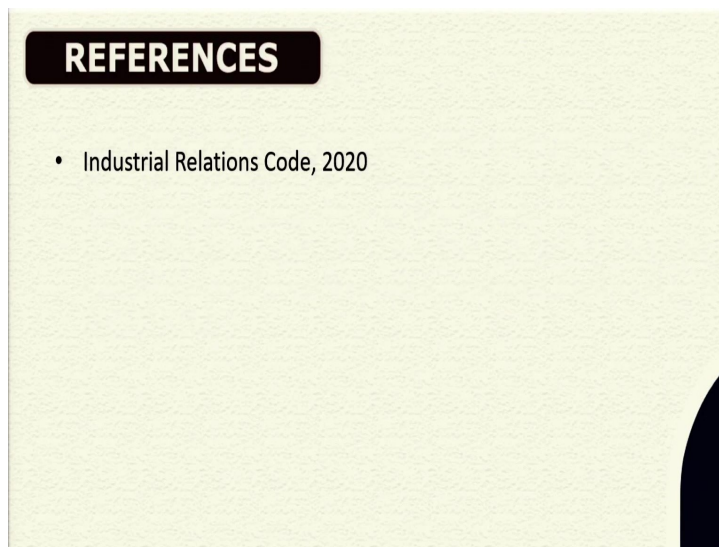


So, in conclusion, we can say that the lay-off is a temporary measure. And in that case, the employer-employee relationship does not cease to exist because it is purely a temporary measure. It is neither retrenchment nor it is a dismissal of the employee and the workman has been laid-off only for a period of time and he is eligible for compensation, and he is eligible for compensation in the laid-off period. And it is very clear that the employer must take prior permission for laying such an organization, first, we saw that it is a strike then we saw that lockout. from the appropriate governments otherwise, it will be considered as illegal. So

So, both are so we can say that it is we already said that it is the weapon one in the hands of workers and another one the weapon in the hands of employees and when it comes to the lay-off, it shows the inability of the management, inability of the employer to continue with the establishment with the specific grounds under certain circumstances, which can be economical or which can be other reasons, whether it is the shortage of power or the shortage of raw materials and any other reasons, but the employees are eligible for compensation in such cases.



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So, these are the provisions in the Industrial Relations Code 2020 with regard to the lay-off period at the compensations. Thank you.