PG (Even) Semester Examination, 2023

BUSINESS ADMINISTRATION

(4th Semester)

Course No.: HR-3303

(Legal Famework Governing HRM)

Full Marks: 70

Pass Marks: 28

Time: 3 hours

The figures in the right margin indicate full marks for the question.

1. (a) Discuss the impact of economic reform and labour law in India.

   (b) Discuss the importance for reviewing the social security codes. 7+7=14

Or

2. Explain the object and applicability of Employee Provident Fund and Misc Provision Act. State the amount of contribution to be made by both the employer and employee to the pension fund and provident fund under this act. 14

3. Case :

   Mr. Roy Appellant

   Vs

   Coalfield Ltd. Respondent

   The appellant superannuated on 28.02.2023 on attaining the age of superannuation. His amount

of gratuity was not paid which was leading him before the controlling authority u/s (1) of the Act, 1972 of Rule 10 of the payment of gratuity (central) Rules, 1972. Clearing the amount of gratuity along with interest and Central Provident Fund (CPF) amount stating inter alia that the respondent has unauthorisedly detained the amount of gratuity which he is lawfully entitled for.

The respondent after being noticed appeared before the controlling authority and filed its written submission stating that the appellant was required to obtain no dues certificate from the concerned department including the vacation of allocated official quarter, but he did not submit the same and the maximum permissible period of retention of the official quarter beyond the period of admissibility is three (03) months as such, he ought to have vacated quarter on 28.02.2023 which he did not vacate and thereafter he is liable to pay penal rent for retention of quarter unauthorisedly. It was the common stand of the respondent before the controlling authority that simultenously, the company has deposited the gratuity dues but not the interest stating that the appellant is not entitled for interest on gratuity amount and in reply the appellant submitted that there is no provision in the act for withholding of gratuity.

(i) Identify the legal problems with appropriate sections for the appellant.

(ii) Justify your answer stating the grounds to withhold the gratuity for any reason u/s 4(6) of the payment Gratuity Act, 1972. 7+7=14

4. Define Hazardous processess. Discuss the provisions laid down in the Factories Act, 1948 relating to health safety and welfare of workers. 2+12=14

Or

5. Explain the provisions relating to annual leave with wages u/s 79 of the Factories Act 1948. Highlight the offence and penalties under this Act. 7+7=14

6. Write an explanatory notes on payment of Bonous Act. 14

Or

7. Distinguish between protective labor legislation and regulative labor legislation. 14

8. Case :

Syndicate Bank (petitioner) Vs Sanay Kapoor (Respondent) Delhi HC. The worman (respondent) was working as a clerk with the peritioner bank. He made fake entries in the book of accounts and by falsification of account books and withdraw an amount. When the matter was discovered he was told that he hand over-drawn the amount. He deposited the amount back. But a chargesheet was served upon hip in repect of falsification of account and withdrawal of amounts as a result falsification of accounts and he was dismissed from service. He raised an industrial disputes wherein his dismissal was set aside.

Discuss the legal issues involved in the case, highlighting the appropriate Acts under which the respondents be liable for the punishment. 14