

**HIGH COURT OF JUDICATURE AT BOMBAY**  
**(APPELLATE SIDE)**  
**WRITTEN EXAMINATION**  
**FOR THE POST OF JUDGE, LABOUR COURT**

Date : 19.12.2015

Total Marks : 100

Time : 3 hours

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**INSTRUCTIONS**

1. All Questions are compulsory.
2. Figures to the right indicate marks.
3. Answers to optional questions, in excess of prescribed number, will not be assessed.

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1. Write a judgment on the following facts after mentioning bare necessary facts and presuming that necessary witnesses were examined and relevant documents have been produced. (20)

'A', was a Fitter employed in a manufacturing unit of ABC Company Ltd. The Company provides transportation facility to its employees. On fateful day 'A' alighted from transport bus near gate of Company and when 'A' was about to enter premises of Company just outside the gate, he met with an accident when truck engaged by Company for bringing raw material dashed to him. In the said accident 'A' sustained grievous injuries and was hospitalised for one month. He had to undergo surgeries and thumb of Right hand was amputated. The company retained him in service and offered job of peon. 'A' claimed compensation of Rs. 5 lacs.

The Company opposed claim by filing written statement. It is contended that since 'A' was drawing gross salary of Rs.10,000/-, he is not entitled to invoke provisions of Employees Compensation Act. It is also stated that the accident has not occurred at work place and hence there is no liability of Company to pay compensation. The Company has also claimed that since there is a recognized Union in Company, the dispute cannot be raised by 'A' individually. Moreover, it is pleaded that though 'A' was not negligent while crossing the road but through recognized union a settlement has taken place between Company and 'A', and by virtue of it 'A' has accepted Rs. 50,000/- by way of full and final settlement. The Company has also stated that since employment of 'A' is being protected there is no loss caused to him

and hence claim deserves to be rejected.

**Evidence:**

1. Recognized Union exists in the Company.
  2. There is settlement between 'A' and Company and 'A' accepted an amount of Rs. 50,000/- as full and final settlement.
  3. Salary of 'A' is more than Rs. 10,000/-.
  4. Medical Certificate – cannot perform work as Fitter.
2. Write short notes on any four of the following : (20)
- a. Distinction between Lay-off and Lock-out.
  - b. Grievance redressal machinery under Industrial Disputes Act.
  - c. Extra Wages for overtime.
  - d. Obligation of workers under Factories Act.
  - e. 'Child' under Child Labour (Prohibition and Regulation) Act, 1986.
  - f. Provisions regarding Fine under The Payment of Wages Act, 1936.
  - g. 'Industrial Dispute'.
3. Write an essay in 300 words on any one of the following: (20)
- a. Purpose of Labour Legislations.
  - b. Child Labour in India.
4. Answer any one of the following: (20)
- a. Discuss the provisions relating to health, safety and hygiene of workers under The Factories Act, 1948.
  - b. Discuss the object and scope of The Contract Labour (Regulation and Abolition) Act, 1970 and specify whether the same is intended to promote or control contract labour.
5. Answer in brief any two of the following: (20)
- a. What are the Rights and Liabilities of registered Trade Unions under The Trade Unions Act, 1926?
  - b. Discuss provisions regarding settlement and alteration of standing orders.
  - c. Discuss provisions regarding to hazardous processes under The Factories Act, 1948.
  - d. Discuss the scope of the jurisdiction of Labour Court u/s. 33(c)(2) of The Industrial Disputes Act, 1947.