

From

The Labour Commissioner,
Haryana, Chandigarh.

To

1. All the Deputy Labour Commissioners posted in the field.
2. All the Assistant Labour Commissioners posted in field.

✓ 3. I.T. cell

No. 20716-755

Dated: 19/5/2016

Subject:- Orders dated 8.4.2016 of the Hon'ble High Court passed in C.W.P. No. 2859 of 2016 – Faridabad Industries Association and another Versus Union of India.

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Reference subject cited above.

2. The Government of India vide its notification dated 1.12.2016 has carried out certain amendments in the Payment of Bonus Act, 1965. Since the amendments were carried out by the Government of India with retrospective effect, so various industrial establishments filed writ petitions in the Hon'ble High Court. **The Hon'ble High Court vide its orders dated 8.4.2016 passed in C.W.P. No. 2859 of 2016 – Faridabad Industries Association and another Versus Union of India was pleased to admit the writ petition. However, in the meantime, it was ordered by the Hon'ble High Court that the notification dated 1.1.2016 will be operative from the financial year 2015-16 onwards and no coercive steps shall be taken for the period prior thereto.**

Please find enclosed copy of orders dated 8.4.2016 of the Hon'ble High Court for strict compliance.

Encl/As Above.


Addl. Labour Commissioner,
for Labour Commissioner, Haryana.

103-1

CWP No. 2859 of 2016

Faridabad Industries Association and anr.

vs.

Union of India

Present:- Mr. Pawan Kumar Mutneja, Advocate
for the petitioners.

Learned counsel for the petitioners placed on record the order dated 18.03.2016 passed by Division Bench of Rajasthan High Court, Jaipur Bench, Jaipur in CWP No. 3621 of 2016 wherein the validity of the Payment of Bonus (Amendment) Act, 2015 was challenged. In that case, while admitting the petition, operation of the impugned notification was stayed and it has been directed that it will be effective from the financial year 2015-16 onwards.

Admitted.

In the meantime, it is directed that the impugned notification dated 1.1.2016 will be operative only from the financial year 2015-16 onwards and no coercive steps shall be taken for the period prior thereto.

As per attached list (Annexure P-3), the petitioner association has 396 members, the petitioners shall be required to pay court fee keeping in view the number of members of the Petitioner's Association. The needful shall be done within a period of two weeks.

(Rajesh Bindal)
Judge

08.04.2016
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(Harinder Singh Sidhu)
Judge