

W.P.No.23080 of 2021**M.S.RAMESH,J.**

The Covid-19 pandemic and the consequential lock-down announced by the Government, has resulted in loss of income to many workers/employees owing to non-employment. Equally, the employers were also facing huge monetary losses owing to non-production. It is no doubt true that the Covid-19 pandemic has created a disaster, affecting the conditions of service of the workers/employees, as well as the business activities of the employers, particularly in Industries, Factories and other establishments to which the Labour and Industrial Laws apply.

2. However, post relaxation of the lock-down announced by the Government, this Court has been witnessing many cases where the workers/employees, who were retrenched/laid off during the lock-down period, have not been reinstated back into service, even though there has been considerable relaxation of the lock-down regulations and the businesses of the employers had resumed. In other words, some of the employers seem to have exploited this unprecedented situation and have effectively disengaged the services of some their workers/employees,

without following the procedure for such disengagement under the Labour Laws.

3. Though the Covid-19 pandemic situation could be termed as a misfortune, the employers cannot be permitted to make a fortune out of this misfortune. This Court has not come across any Government Orders or notifications addressing this crisis, whereby countless numbers of workers/employees have been retrenched/laid off by violating the legal procedures for such retrenchment/lay off.

4. In this background, the first respondent herein/The Secretary, Labour Welfare and Skill Development Employment, is called upon to assess the situation as detailed above and in consultation with all the Commissioners of Labour, shall file a detailed report with regard to the conditions of service, non-employment particulars of the workers/employees within the State of Tamil Nadu, by way of a comparison between the period immediately before the onset of the Covid-19 pandemic and post lock-down relaxation. As an illustration and for the sake of convenience, the number of workers on the rolls of any industrial

establishment as on 01.01.2019 could be compared with the numbers that exists as on date (i.e.) 27.10.2021 in that particular industrial establishment, together with explanation of that industrial establishment for the reduced number of workers/employees, if any. An interim report shall be filed before this Court by 29.11.2021.

5. In the present case in hand, one of the issues involved in the dispute raised by the petitioner-Union is that, some of their workers have not been reinstated, even after relaxation of Covid-19 lock-down period.

6. Mr.S.Arumugam, learned Government Counsel takes notice for the respondents 1 and 2. Notice to the third respondent returnable by 29.11.2021. Private notice is also permitted.

7. Post the matter on **29.11.2021**.

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27.10.2021

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Note: Issue a copy of this order to the Secretary, Labour Welfare and Skill Development Employment, as well as to the learned Government Counsel

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