

Preface

At the outset, I express my gratitude to the legal fraternity, judiciary, academics and professional managers in the personnel/industrial relations stream for their kind patronage to the first edition of this book, which was published as a student edition. I express my profound gratitude to the Hon'ble Mr. Justice RC Lahoti, former Chief Justice of India, Justice MJ Rao, former Chairman, Law Commission of India, Mr. Soli Sorabjee, former Attorney General of India, Fali S. Nariman and KK Venugopal, Senior Advocates, Supreme Court, the Principals of various National Law Colleges and other members of legal fraternity for the kind compliments I received for the first edition.

As I already mentioned in the preface to the first (student) edition, the material was so voluminous running into some 3500 pages that I had to prune it drastically and even arbitrarily though I was not very happy to do so. This revised edition, in its exhaustive form, covering *jurisprudence* and *principles of statutory construction* exclusively devoted to industrial law, is the first of its kind in the world. The second chapter on "Employment Relationship" has been bifurcated into two chapters, i.e., "Employment Relationship" and "Termination of Employment" in the light of the salience of the subject. Thus the present edition consists of ten chapters as against nine of its predecessor. Apart from including several cases which were by design left out in the first edition, I have added the case law up to the end of the year 2007 coupled with detailed analysis of the decisions wherever necessary. I made an attempt to draw analogies and comparisons from the decided cases in constitutional law and civil law. A total of 1600 (as against 1000 in the first edition) cases have been identified for citation and/or analysis.

I am deeply indebted to two judges of the Supreme Court, Dr. PB Gajendragadkar, former CJI and Justice V.R. Krishna Iyer. The former, with his Himalayan stature, drafted and delivered more than 440 judgments and enjoys an unbeaten record of maximum number of judgments delivered by any judge of the Supreme Court. I wonder it could even be a world record by any judge of the Summit Court of any country. It is equally significant that a majority of his decisions fall in Industrial Law (please refer to chapter—1). Indian industrial community owes - not in a small measure—to the maturity, vision and balance displayed by Dr. Gajendragadkar as well as to his extraordinary command over industrial law and jurisprudence. Adverting to Justice Iyer, I submit in all humility, the controversial manner in which the learned judge, known for his outstanding erudition and scholarship (to quote the words of H.M. Seervai), decided cases falling in this branch of law commencing from *State Bank of India v. N. Sundaramony*, [(1976) 1 LLJ 478 (SC)] had fed the fire of my desire to do Ph. D in Jurisprudence and Interpretation of Statutes. It is not out of place to mention that this book is an 'extended' as well as an 'enlarged' version of my doctoral thesis titled "*Industrial Adjudication on the Concept of Retrenchment: Its Nature and Impact on Industrial Relations*" (1994). I owe a great deal of my doctoral research as well as this work to Justice Iyer. A number of decisions, which were handed down perfunctorily or by twisting

the settled legal principles or without adequate juristic penetration, have been identified for, and subjected to, critical analysis. I have taken all humanly possible care to ensure that the book is error free. I hope this edition, with its detailed analysis of several topics which did not find place in the first edition, will be of immense assistance to the students of jurisprudence, labour law and industrial relations, to the lawyers, judiciary at all levels, academics and professional personnel managers.

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