

WRONGFUL TERMINATION



Wrongful Termination is defined by statutory non-compliance and violation of natural justice, not employer discretion. Employers must follow notice, compensation, inquiry, and anti-discrimination safeguards under the Labour Codes. Any deviation—be it arbitrary dismissal, retaliation, or denial of statutory benefits—can be challenged before labour courts, often resulting in reinstatement and back wages.

“ FAIR TREATMENT.
JUST PROCESS.
RIGHTFUL WORK. ”



01 NO STATUTORY COMPLIANCE



- Termination without one month's notice or wages in lieu
- No retrenchment compensation (15 days' average pay per completed year of service)
- No prior government approval for establishments with 100+ workers

02 DISCRIMINATION



- Dismissal based on caste, religion, gender, disability, or union activity

03 RETALIATION



- Termination for filing harassment complaints (POSH Act, 2013)
- Dismissal for whistleblowing or raising wage/safety concerns

04 PROCEDURAL DEFECTS



- No fair domestic inquiry before dismissal
- Violation of principles of natural justice

05 DENIAL OF STATUTORY BENEFITS



- Termination without settlement of PF, gratuity, maternity benefits, or ESI dues

06 CONSTRUCTIVE DISMISSAL



- Hostile work environment forcing resignation

07 VIOLATION OF PUBLIC POLICY



- Termination during maternity leave, lawful strikes, or while availing social security benefits

08 REMEDIES FOR EMPLOYEES



- Draft email and responses for employees raising the issue
- Reinstatement with back wages (common in labour courts)
- Compensation: back pay, gratuity, PF settlement, damages
- Punitive damages if employer acted maliciously



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This pamphlet is for general informational purposes only and does not constitute legal advice. Please consult with our team for guidance specific to your circumstances.

