GENERAL STUDIES IV

Jet Airways ₹480 Crore Employee Dues: NCLAT & IBC

Faculty/Author: Faculty Editorial Board
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The National Company Law Appellate Tribunal (NCLAT) has reportedly directed the Jet Airways liquidator to clear outstanding provident fund and gratuity dues of approximately ₹480 crore within two weeks. The development highlights the importance of protecting employee social security during corporate insolvency and liquidation. Civil Service Gurukul examines the Insolvency and Bankruptcy Code, employee welfare, statutory retirement benefits, creditor priorities, constitutional provisions and corporate accountability from the UPSC Prelims and Mains perspective.

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Current Affairs - Executive Summary

The National Company Law Appellate Tribunal (NCLAT) has reportedly directed the Jet Airways liquidator to pay approximately ?480 crore in outstanding provident fund and gratuity dues within two weeks. The development highlights the need to reconcile creditor rights, corporate insolvency resolution, employee welfare and statutory social security. It also raises important questions concerning corporate accountability, economic justice and the effectiveness of India's insolvency framework.

?480 Crore

2 Weeks

NCLAT

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IBC 2016

1. Why Is the Jet Airways Employee Dues Case in the News?

Reports dated 26–27 November 2026 indicate that the National Company Law Appellate Tribunal has directed the Jet Airways liquidator to clear outstanding provident fund and gratuity liabilities, reportedly amounting to approximately ?480 crore, within two weeks.

The development assumes significance because corporate insolvency affects not only banks, financial institutions and investors but also employees who depend on salaries, retirement savings and statutory employment benefits for their financial security.

> **Important Current Affairs Clarification:**
> The amount and payment deadline are based on reported developments. The precise obligations, beneficiaries, conditions and commencement of the deadline must be established from the operative tribunal order. A direction to make payment does not establish that payment has already been completed.

2. Background of the Jet Airways Insolvency Case

Jet Airways was once among India's leading private-sector airlines. Financial difficulties, mounting liabilities and operational challenges eventually resulted in the suspension of its flight operations in April 2019.

Year	Major Development
1993	Jet Airways commenced commercial flight operations.
2019	The airline suspended operations and entered corporate insolvency proceedings.
2021	The NCLT approved the resolution plan submitted by the Jalan-Kalrock Consortium.
2024	The Supreme Court directed liquidation following disputes over implementation of the resolution plan.
2026	Reports indicate NCLAT directions concerning outstanding employee provident fund and gratuity dues.

The case illustrates the challenges associated with reviving financially distressed companies, implementing resolution plans and protecting stakeholders when corporate rescue efforts fail.

3. What Is the National Company Law Appellate Tribunal?

The National Company Law Appellate Tribunal (NCLAT) is a statutory appellate tribunal constituted under Section 410 of the Companies Act, 2013.

It hears specified appeals arising from decisions of the National Company Law Tribunal and exercises additional appellate jurisdiction under applicable legislation.

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Particulars	Details
Full Form	National Company Law Appellate Tribunal
Legal Basis	Section 410 of the Companies Act, 2013
Constituted	1 June 2016
Nature	Statutory appellate tribunal
Major Jurisdiction	Specified company law, insolvency and competition law appeals
Administrative Ministry	Ministry of Corporate Affairs
Further Appeal	Supreme Court of India, subject to applicable statutory provisions.

4. Difference Between NCLT and NCLAT

Parameter	NCLT	NCLAT
Full Form	National Company Law Tribunal	National Company Law Appellate Tribunal
Legal Provision	Section 408, Companies Act, 2013	Section 410, Companies Act, 2013
Nature	Adjudicating tribunal	Appellate tribunal
IBC Role	Adjudicating authority for corporate insolvency matters.	Hears specified appeals against NCLT orders.
Appellate Forum	NCLAT	Supreme Court, subject to applicable law.

UPSC Prelims Memory Trick:
NCLT ? Adjudication
NCLAT ? Appeal
Supreme Court ? Further statutory appeal

5. What Is the Insolvency and Bankruptcy Code, 2016?

The Insolvency and Bankruptcy Code (IBC), 2016 provides a consolidated legal framework for insolvency resolution and related proceedings. It seeks to promote timely resolution, maximise asset value, encourage entrepreneurship and balance stakeholder interests.

Major Objectives of the IBC

- Timely resolution of financial distress.
- Maximisation of the value of assets.
- Promotion of entrepreneurship and credit availability.
- Improvement of financial discipline.

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- Balancing the interests of different stakeholders.
- Providing an orderly liquidation mechanism where required.

6. Institutional Framework Under the IBC

Institution	Major Function
IBBI	Regulates specified insolvency professionals, agencies, information utilities and insolvency processes.
NCLT	Adjudicating authority for corporate insolvency matters.
NCLAT	Appellate authority for specified insolvency appeals.
Insolvency Professional	Performs statutory functions during insolvency proceedings.
Resolution Professional	Conducts and manages the corporate insolvency resolution process.
Committee of Creditors	Takes key commercial decisions during corporate insolvency resolution.
Liquidator	Administers liquidation, verifies claims and distributes proceeds according to applicable law.
Information Utilities	Collect, authenticate and provide access to financial information.

7. Difference Between Insolvency, Bankruptcy and Liquidation

Concept	Meaning
Insolvency	A financial condition involving inability to meet debt obligations.
Insolvency Resolution	A legal process seeking resolution of financial distress.
Bankruptcy	A formal legal status or process applicable under relevant bankruptcy provisions.
Liquidation	Realisation of assets and settlement of liabilities according to the applicable legal framework.
Dissolution	Formal termination of the legal existence of a corporate entity.

8. What Is Employees' Provident Fund?

Employees' Provident Fund is a statutory social-security mechanism designed to support long-term financial savings and retirement security for eligible employees.

Contributions are made according to applicable statutory provisions. The accumulated benefits provide financial support during retirement and other permitted circumstances.

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Importance of Provident Fund

- Promotes long-term retirement savings.
- Provides financial security to employees.
- Encourages formal employment and social protection.
- Reduces financial vulnerability during retirement.
- Supports employees and their families during eligible contingencies.

9. What Is Gratuity?

Gratuity is a statutory employment benefit payable to eligible employees in recognition of their qualifying service, subject to applicable legal conditions.

It is distinct from regular salary and provident fund contributions. Gratuity provides an additional form of financial security when employment ends under eligible circumstances.

10. Difference Between Provident Fund, Gratuity and Pension

Parameter	Provident Fund	Gratuity	Pension
Nature	Accumulated savings	Service-linked benefit	Periodic retirement income
Funding	Statutory contributions as applicable	Employer liability	Scheme-specific contributions or funding
Payment	Withdrawal according to applicable rules	Generally lump-sum payment	Generally periodic payments
Objective	Retirement savings and financial security	Recognition of qualifying service	Income security after retirement

11. Section 36 of the IBC: Protection of Employee Retirement Benefits

Section 36 of the Insolvency and Bankruptcy Code deals with the liquidation estate of a corporate debtor.

Section 36(4)(a)(iii) excludes sums due to workmen or employees from provident fund, pension fund and gratuity fund from the liquidation estate.

> **Important Legal Concept for UPSC:**
> Provident Fund + Pension Fund + Gratuity Fund ? Statutory exclusion under Section 36(4)(a)(iii) of the IBC.
>
> Such excluded assets are not available for ordinary distribution among creditors through the liquidation estate.

Questions concerning unfunded liabilities, disputed claims, available funds and the precise manner of payment must be determined according to applicable law and judicial directions. The statutory exclusion should not be interpreted as an unconditional guarantee of full recovery in every insolvency case.

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12. Section 53 of the IBC: Waterfall Mechanism

Section 53 provides the statutory order of priority for distribution of proceeds from the sale of liquidation assets.

Priority	Category
1	Insolvency resolution process costs and liquidation costs.
2	Specified workmen's dues for the preceding 24 months and secured creditors relinquishing security, ranking equally.
3	Wages and unpaid dues of employees other than workmen for the preceding 12 months.
4	Financial debts owed to unsecured creditors.
5	Specified government dues and unpaid secured creditor debts following enforcement of security, ranking equally.
6	Remaining debts and dues.
7	Preference shareholders, if any.
8	Equity shareholders or partners, as applicable

UPSC Examination Trap:
Section 36 determines the composition of the liquidation estate, whereas Section 53 determines the priority of distribution from that estate. They perform different legal functions.

13. Constitutional Provisions Related to Labour Welfare

Article	Constitutional Relevance
Article 14	Equality before law and equal protection of laws.
Article 21	Protection of life and personal liberty, including judicially recognised aspects of dignity and livelihood.
Article 38	Promotion of a social order based on justice and reduction of inequalities.
Article 39(e)	Protection of the health and strength of workers.
Article 41	Public assistance in specified circumstances, subject to economic capacity and development.
Article 42	Just and humane conditions of work and maternity relief.
Article 43	Living wages and decent standards of life for workers.
Article 43A	Participation of workers in the management of industries.

These constitutional principles provide a broader social justice framework for evaluating labour welfare policies. Individual monetary claims remain governed by applicable statutory provisions and judicial orders.

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14. Labour Codes and Social Security in India

India consolidated numerous central labour laws into four labour codes to simplify regulation and modernise the labour welfare framework.

Labour Code	Major Area
Code on Wages, 2019	Wages, minimum wages and related provisions.
Industrial Relations Code, 2020	Industrial relations, trade unions and industrial disputes.
Code on Social Security, 2020	Social security benefits, including provident fund, gratuity and maternity benefits.
Occupational Safety, Health and Working Conditions Code, 2020	Workplace safety, health and working conditions.

The application of particular provisions to historical employee claims must account for commencement notifications, transitional provisions, relevant schemes and the period during which the liability arose.

15. Why Is Employee Protection Important During Insolvency?

Financial Security

Employees may lose their primary source of income when a company ceases operations. Delayed retirement benefits can further increase household financial distress.

Unequal Bargaining Power

Individual employees generally have fewer financial and legal resources than institutional creditors.

Trust in Formal Employment

Effective protection of statutory contributions strengthens confidence in formal-sector employment and retirement savings mechanisms.

Social Justice

Employee welfare represents an important dimension of inclusive economic development and dignified working conditions.

Corporate Accountability

Enforcing statutory obligations encourages responsible management, accurate financial reporting and timely compliance.

16. Major Challenges in Protecting Employee Dues

- Prolonged insolvency and liquidation proceedings.
- Insufficient or disputed employee benefit funds.
- Incomplete payroll and employment records.
- Delayed deposit of statutory contributions.

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- Information asymmetry between employees and management.
- Disputes over employee classification and claim amounts.
- Limited access to affordable legal remedies.
- Conflicting interests of creditors and other stakeholders.
- Implementation delays despite judicial directions.

17. Corporate Governance Lessons from the Jet Airways Case

Governance Principle	Practical Implication
Accountability	Management must ensure timely discharge of statutory employee obligations.
Transparency	Employee liabilities should be accurately recorded and appropriately disclosed.
Risk Management	Financial distress and unpaid statutory liabilities should be identified early.
Internal Financial Controls	Payroll records, statutory deductions and deposits should be regularly reconciled.
Stakeholder Protection	Corporate decisions should recognise the legitimate interests of employees and creditors.
Compliance Management	Statutory payment deadlines should be monitored and exceptions escalated.
Ethical Leadership	Management should not treat employee retirement security as an ordinary discretionary expenditure.

18. Illustrative Example: Employee Dues During Liquidation

Consider a hypothetical company undergoing liquidation with the following recorded liabilities.

Particulars	Amount
Bank Loans	?50 Crore
Supplier Dues	?15 Crore
Provident Fund Dues	?3 Crore
Gratuity Dues	?2 Crore
Outstanding Employee Salaries	?1 Crore
Total Recorded Liabilities	?71 Crore

The liquidator must examine provident fund and gratuity amounts under the relevant statutory exclusion and applicable judicial principles. Outstanding salaries and other claims must be classified separately under the relevant insolvency provisions.

This example is hypothetical and does not represent the actual financial position or employee claim calculations of Jet Airways.

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19. Sustainable Development Goals and Labour Welfare

SDG	Relevance
SDG 1 – No Poverty	Social protection and reduction of financial vulnerability.
SDG 8 – Decent Work and Economic Growth	Protection of labour rights and promotion of decent employment.
SDG 10 – Reduced Inequalities	Protection of vulnerable stakeholders and equitable opportunities.
SDG 16 – Peace, Justice and Strong Institutions	Access to justice, accountability and effective institutions.

20. Way Forward: Strengthening India's Insolvency and Labour Welfare Framework

Early Detection of Statutory Defaults

Develop effective monitoring mechanisms to identify unpaid employee contributions before corporate financial distress becomes severe.

Transparent Employee Claim Verification

Maintain accurate employee-wise calculations and provide secure access to verified claim information.

Digital Record Preservation

Preserve payroll records, employment histories and statutory contribution details throughout insolvency proceedings.

Time-Bound Grievance Redressal

Establish accessible mechanisms through which employees can challenge incorrect claim calculations and obtain timely responses.

Strengthen Institutional Coordination

Improve coordination between insolvency professionals, labour authorities, social-security institutions and adjudicating bodies.

Improve Corporate Compliance

Strengthen board-level oversight, statutory liability reconciliation and internal financial controls.

Maintain Predictable Creditor Rights

Ensure that employee protection operates through transparent legal rules while maintaining certainty for creditors and investors.

21. UPSC Prelims Quick Revision Capsule

Keyword	Remember
IBC	Insolvency and Bankruptcy Code, 2016
NCLT	Section 408, Companies Act, 2013
NCLAT	Section 410, Companies Act, 2013

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Keyword	Remember
IBBI	Insolvency and Bankruptcy Board of India
Section 36	Liquidation estate
Section 36(4)(a)(iii)	Exclusion concerning provident, pension and gratuity funds.
Section 53	Distribution waterfall mechanism
CoC	Committee of Creditors
CIRP	Corporate Insolvency Resolution Process
Article 41	Public assistance in specified circumstances.
Article 42	Just and humane working conditions.
Article 43	Living wages and decent living standards.
SDG 8	Decent Work and Economic Growth

22. UPSC Prelims Practice MCQs

Question 1

With reference to the National Company Law Appellate Tribunal, consider the following statements:

1. It is constituted under the Companies Act, 2013.
2. It hears specified appeals against orders of the NCLT.
3. It is a constitutional body.

Which of the statements given above are correct?

A. 1 and 2 only

B. 2 and 3 only

C. 1 and 3 only

D. 1, 2 and 3

Reveal Answer and Explanation

Correct Answer: A – 1 and 2 only

NCLAT is a statutory body constituted under Section 410 of the Companies Act, 2013. It is not a constitutional body.

Question 2

Section 53 of the Insolvency and Bankruptcy Code primarily deals with:

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A. Appointment of company directors.

B. Distribution of liquidation proceeds.

C. Registration of trade unions.

D. Determination of minimum wages.

Reveal Answer and Explanation

Correct Answer: B

Section 53 establishes the statutory priority mechanism for distributing liquidation proceeds.

Question 3

Consider the following pairs:

1. Article 42 – Just and humane conditions of work.
2. Article 43 – Living wages for workers.
3. Article 43A – Workers' participation in management

How many of the above pairs are correctly matched?

A. Only one

B. Only two

C. None

D. All three

Reveal Answer and Explanation

Correct Answer: D – All three

All three constitutional provisions are correctly matched and form part of the Directive Principles of State Policy.

Question 4

Which of the following funds are specifically mentioned under Section 36(4)(a)(iii) of the IBC?

1. Provident Fund
2. Pension Fund
3. Gratuity Fund

A. 1 only

B. 1 and 2 only

C. 2 and 3 only

D. 1, 2 and 3

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Reveal Answer and Explanation

Correct Answer: D – All three

The provision specifically addresses sums due to workmen or employees from provident fund, pension fund and gratuity fund.

Question 5

Which Sustainable Development Goal specifically focuses on decent work and economic growth?

A. SDG 3

B. SDG 5

C. SDG 8

D. SDG 13

Reveal Answer and Explanation

Correct Answer: C – SDG 8

SDG 8 promotes sustained and inclusive economic growth, productive employment and decent work for all.

23. UPSC Mains Practice Question

GS Paper II and III – Social Justice, Governance and Indian Economy

Question: Corporate insolvency frameworks must balance creditor discipline with the statutory protection of employee retirement benefits. Discuss in the context of the Jet Airways employee dues case and suggest measures to strengthen labour welfare during corporate liquidation.

Marks: 15 | **Word Limit:** 250 words

Reveal Model Answer

Introduction

The Insolvency and Bankruptcy Code, 2016 seeks timely resolution of financial distress while balancing stakeholder interests. The reported NCLAT directions concerning Jet Airways employee dues highlight the importance of protecting statutory social-security entitlements during corporate liquidation.

Significance of Employee Protection

- Employees face income insecurity following corporate failure.

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- Provident fund and gratuity provide long-term financial security.
- Statutory protection promotes social justice and confidence in formal employment.
- Section 36 of the IBC provides specific protection concerning provident, pension and gratuity funds.

Major Challenges

- Prolonged insolvency proceedings.
- Insufficient or disputed retirement benefit funds.
- Incomplete employee records and information asymmetry.
- Competing stakeholder interests and limited asset availability.

Way Forward

- Strengthen monitoring of statutory employee contributions.
- Preserve digital payroll and employment records.
- Ensure transparent claim verification and grievance redressal.
- Improve institutional coordination and timely implementation of judicial orders.
- Maintain predictable creditor priorities and responsible corporate governance.

Conclusion

A credible insolvency framework must combine economic efficiency with social justice. Protecting statutory employee benefits through transparent and predictable legal mechanisms can strengthen corporate accountability, labour welfare and confidence in India's formal economy.

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24. GS Paper IV – Ethics Case Study Perspective

Ethical Dilemma:

A financially distressed company has substantial creditor liabilities and outstanding employee retirement benefits. Management must ensure compliance with statutory obligations while protecting the legitimate interests of different stakeholders.

Ethical Values Involved

- Integrity and accountability.
- Justice and fairness.
- Empathy towards vulnerable employees.
- Transparency in financial reporting.
- Respect for the rule of law.
- Responsible corporate leadership.

Ethical decision-making requires accurate disclosure of liabilities, preservation of employee records, compliance with legal priorities and transparent communication with affected stakeholders.

25. UPSC Syllabus Mapping

UPSC Paper	Relevant Topic
Prelims GS Paper I	Statutory bodies, economic institutions, labour welfare and insolvency law.
Mains GS Paper II	Statutory institutions, governance, social justice and welfare policies.
Mains GS Paper III	Indian economy, employment, financial sector reforms and inclusive growth.
Mains GS Paper IV	Corporate governance, accountability, fairness and ethical decision-making.
Essay	Economic justice, labour welfare and responsible capitalism.
Interview	IBC reforms, corporate accountability and employee protection.

26. Frequently Asked Questions

What is the latest reported development in the Jet Airways employee dues case?

Reports dated 26–27 November 2026 indicate that NCLAT directed the liquidator to pay approximately ?480 crore in outstanding provident fund and gratuity dues within two weeks.

What is the full form of NCLAT?

National Company Law Appellate Tribunal.

Is NCLAT a constitutional body?

No. NCLAT is a statutory tribunal constituted under the Companies Act, 2013.

What is the difference between NCLT and NCLAT?

NCLT adjudicates specified company law and corporate insolvency matters, while NCLAT hears specified appeals.

What is Section 36 of the IBC?

Section 36 deals with the composition of the liquidation estate and specified exclusions.

Are provident fund and gratuity protected under the IBC?

Section 36(4)(a)(iii) provides a specific exclusion concerning sums due from provident fund, pension fund and gratuity fund. Actual recovery depends on the applicable legal and factual circumstances.

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What is the waterfall mechanism under the IBC?

It is the statutory order of priority for distributing liquidation proceeds under Section 53.

Will every former Jet Airways employee receive the same amount?

No. Individual entitlement depends on employment records, qualifying service, statutory provisions, verified claims and the applicable judicial order.

Has the reported ?480 crore already been paid?

The reported tribunal direction does not independently establish that the payment has been completed.

Which labour code deals with social security?

The Code on Social Security, 2020 addresses various social security benefits, subject to applicable provisions and implementation arrangements.

Which SDG deals with decent work?

SDG 8 – Decent Work and Economic Growth.

Why is the Jet Airways case important for UPSC?

It connects corporate insolvency, statutory institutions, labour welfare, social justice, financial reforms and corporate governance.

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27. Conclusion

The Jet Airways employee dues case highlights the human consequences of corporate financial failure and the importance of protecting statutory retirement benefits during insolvency and liquidation.

India's insolvency framework must promote financial discipline, predictable creditor rights and efficient resolution while ensuring that employees receive the protection available under applicable law.

Strengthening corporate governance, statutory compliance, institutional accountability and transparent claim verification can help create an insolvency ecosystem that supports both economic efficiency and social justice.

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+91 991102062

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