

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.04.2018

CORAM:

THE HON'BLE MR.JUSTICE **K.K.SASIDHARAN**
AND
THE HON'BLE MR.JUSTICE **ABDUL QUDDHOSE,J.**

W.A No.788 of 2017

S.K.Ramu

Appellant

-Vs-

1.The General Manager (Administration)
T.N.C.S.C Limited
Head Office, No.12,
Thambu Samy Road,
Kilpauk, Chennai - 600 010.

2.The Senior Regional Manager,
T.N.C.S.C Limited
Thanjavur.

3.The Sub-Regional Manager,
T.N.C.S.C Limited
Kumbakonam.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against
the order passed in W.P No.8895 of 2003 dated 25.01.2017.

For Appellant : Ms.G.Devi

For Respondents : Mr.C.Munusamy

J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN,J.]

The Labour Court in the earlier round of litigation between the appellant and the Tamil Nadu Civil Supplies Corporation Limited (hereinafter referred to as the "Corporation") directed reinstatement of the appellant into service with back wages and continuity of service with other privileges. The Corporation implemented the Award. However, he was not given monetary benefits during the period in question. The order passed by the Corporation declining the relief was challenged before the Writ Court. The learned single Judge having found that notional promotion was given to the appellant taking into account the claim for promotion at the relevant point of time declined to grant him back wages. The said order is under challenge at the instance of the unsuccessful writ petitioner.

2. The learned counsel for the appellant contended that the term

"other privileges" would include even a claim for back wages.

According to the learned counsel, it was not the fault of the appellant in

denying promotion to him. Since the Labour Court in the industrial

dispute made it clear that the appellant is entitled to all the benefits and

"other privileges", the same would also cover the claim of notional wages.

3. There was no direction given by the Labour Court earlier in I.D.No.347 of 1986 to grant back wages to the appellant. The direction was to reinstate him into service with continuity of service with other privileges. It is a matter of record that the respondents have given back wages to the appellant for the initial period when he was out of employment.

4. The only dispute now is in respect of the denial of claim for wages after giving notional promotion to the appellant. There was no specific direction given by the Labour Court that the appellant should be given notional promotion and all the benefits consequent to such promotion. "No Work No Pay" is the rule. In case, there is a direction to give back wages even after giving notional promotion, such a direction should be made expressly. However, in the Award passed by the Labour Court, there was no such express direction. We are therefore of the view that the learned single Judge was perfectly correct in rejecting the claim made by the appellant.

K.K.SASIDHARAN,J.
and
ABDUL QUDDHOSE,J.

(svki)

5. In the upshot, we dismiss the intra court appeal. No costs.

(K.K.SASIDHARAN, J.) (ABDUL QUDDHOSE, J.)

2 April 2018

svki

Index : Yes/No

To

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