



W.P.No.10428 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10428 of 2019

And

W.M.P.Nos.10961 of 2019 and 23072 of 2021

The Management
Ammu Gas Agency
Bharat Gas Distributors
33, Nadar Medu
Poonthurai Road
Erode – 638 002
Rep. by its Proprietor
V.M.Muthuraj

... Petitioner

Vs.

1.K.Madheshwaran
2.P.Varadharaj
3.N.Ravi
4.K.Ramesh

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned common award dated 27.07.2018 passed in I.D.Nos.47 of 2015, 48 of 2015, 59 of 2015 and 62 of 2015 by the Labour Court, Salem in so far as it relates to payment of backwages and other benefits are concerned and quash the same.



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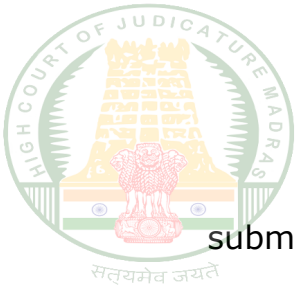
For Petitioner : Mr.M.Thanga Raju
For Respondents : Mr.V.Ajoy Khose

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records pertaining to the common award dated 27.07.2018 passed in I.D.Nos.47 of 2015, 48 of 2015, 59 of 2015 and 62 of 2015 by the Labour Court, Salem, in so far as it relates to payment of backwages and other benefits are concerned and quash the same.

2.The learned counsel appearing for the petitioner submitted that the respondents were engaged as delivery persons for the purpose of delivering the gas cylinders to the customers registered with the petitioner firm and they were paid remuneration on piece rate basis and they are not monthly salaried employees and they stopped reporting duty from 20.08.2014 and they raised industrial disputes in I.D.Nos.47 of 2015, 48 of 2015, 59 of 2015 and 62 of 2015 as if they were orally terminated from service and the Labour Court passed the impugned order.

3.The learned counsel appearing for the petitioner further



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submitted that the petitioner Management is ready to reinstate the respondents without any backwages and other benefits including continuity of service.

4.The learned counsel appearing for the respondents submitted that the respondents are ready to join the petitioner Management as delivery persons without any backwages and other benefits including continuity of service.

5.In view of the above, the petitioner Management is directed to reinstate the respondents in service without any backwages and other benefits including continuity of service, as expeditiously as possible.

6.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Labour Court, Salem.

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This matter is listed today under the caption "For Being Mentioned" at the instance of the learned counsel for the respondents.

2.Learned counsel for the respondents submits that in para-4 of the order dated 15.4.2025, it has been inadvertently recorded as if the respondents were willing to give up backwages though no such concedement was made and, therefore, necessary correction may be made to the said order.

3.This Court perused the order dated 15.4.2025, more particularly para-4 and finds that recording has been made as if the learned counsel for the respondents have conceded to give up backwages. In the light of the stand taken by the learned counsel for the respondents to which no objection is taken by the learned counsel for the petitioner, para-4 and 5 of the order dated 15.4.2025 stands modified as under :-

"4. Learned counsel appearing for the respondents submitted that the respondents are ready to join the petitioner Management



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as delivery persons if the benefits are granted to the respondents including continuity of service.

5. This Court has carefully considered the submissions advanced by the learned counsel on either side and considering the stand taken on behalf of the parties and taking into consideration the fact that the respondents have not discharged any work and importing the concept of "No Work, No Pay", the respondents cannot be made entitled to backwages, moreso, when they have not established that they were not gainfully employed during their non-employment period, this Court directs the petitioner Management to reinstate the respondents in service with continuity of service, but without backwages within a period of eight weeks from the date of receipt of a copy of this order."

4.Registry is directed to carry out the aforesaid corrections in the order dated 15.4.2025 and issue fresh order copy to the parties.

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