

Industrial Disputes Act, 1947, Section 11 – No work no pay – Is a principle which is apposite in circumstances where the employee does not work but it is not an absolute principle, which does not admit of exceptions – The most important question is whether the employee is at fault in any manner – If the employee is not at all at fault and she was kept out of work by reasons of the decision taken by the employer, then to deny the fruits of her being vindicated at the end of the day would be unfair to the employee – In such circumstances, no doubt, the question relating to alternative employment that the employee may have resorted to, becomes relevant – There is also the aspect of discretion which is exercised by the Court keeping in view the facts of each case. On facts, this is a case where apart from the charge of the employee having produced false caste certificate, there is no other charge – Enhance the back wages from 50% to 75% of the full back wages, which she was otherwise entitled.

2022 SCeJ 0356

GOWRAMMA C (DEAD) BY LRS v. MANAGER (PERSONNEL) HINDUSTAN AERONAUTICAL LTD., 2022 SCeJ 0356