

Matter arose out of an award by the Labour Court where exercise of power under Section 11 A of the Industrial Disputes Act was made. A case where incidentally the court noted that the appellant-employer remained closed for years together and it was declared as a sick unit. In this regard, a fact which weighed with the court is found reflected in following statement :“

*18. Although direction to pay full back wages on a declaration that the order of termination was invalid used to be the usual result but now, with the passage of time, a pragmatic view of the matter is being taken by the Court realising that an industry may not be compelled to pay to the workman for the period during which he apparently contributed little or nothing at all to it and/or for a period that was spent unproductively as a result whereof the employer would be compelled to go back to a situation which prevailed many years ago, namely, when the workman was retrenched.”*

*P.V.K. Distillery Ltd. v. Mahendra Ram* 2009 (5) SC 705