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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 335/2022 & CM No. 15873/2022, CM No. 15874/2022,
CM No.15875/2022, CM No. 15876/2022, CM No.
15877/2022, CM No.23779/2022, CM No.23780/2022

THE HINDUSTAN TIMES LTD. Petitioner
Through: Mr.N.B. Joshi, Mr.Nikunj
Verma and Ms.Himanshi Batheja, Advs.

versus

AITA RAM AND ORS Respondents
Through: Mr.Ramesh Kumar Mishra and
Mr.Sandeep Pandey, Advs.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
24.05.2022

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1. On the last date of hearing i.e. 8th April, 2022, the petitioner was directed to file an affidavit attesting compliance with the directions contained in para 57 of the judgment dated 27th August, 2018 passed by this Court in W.P.(C) 5607/2016.

2. Mr. Joshi points out, at this juncture that the reference in para 3 of the order dated 8th April, 2022, to the dismissal of the SLP against the order dated 27th August, 2018 passed by the Coordinate Bench in W.P.(C) 5607/2016 arose on account of an inadvertent error in apprising the facts to this Court and that as on date the SLP is pending adjudication, though he candidly acknowledges that there is no stay of operation of the judgment dated 27th August, 2018.



3. Para 57 of the judgment dated 27th August, 2018 directs the petitioner to deposit the wages of all workmen who had yet to attain superannuation on 31st August, 2018. This direction was, subsequently, modified by directing the wages to be paid to the workmen directly instead of being deposited in this Court.

4. Mr. Joshi, learned Counsel for the petitioner submits that 144 workmen were yet to superannuate on 31st August, 2018 and that out of the said 144 workmen, 140 workmen had been disbursed their wages in accordance with the directions contained in para 57 of the judgment dated 27th August, 2018.

5. One workman he submits, is not traceable but that he is carrying with him, the cheque for the workman for the wages to be paid to the said workman, *vide* cheque no. 030534 dated 11th May, 2022 for ₹ 32,227/- and cheque no.030536 dated 11th May, 2022 for ₹ 9,37,926/-. The cheques have been handed over to Mr. Mishra, learned Counsel for the respondents in Court today.

6. The three remaining workmen, he submits, have not been disbursed wages , applying the “no work no pay” principle.

7. There is, clearly, in para 57 of the judgment dated 27th August, 2018, no exception, to the direction for payment of wages, in respect of any workman who was yet to superannuate on 31st August, 2018. Despite the filing of an SLP against the said order, there is no interlocutory interdiction by the Supreme Court. Mr. Joshi also



candidly acknowledges that the Award, which stood affirmed by this Court *vide* its judgment dated 27th August, 2018 *supra* also did not envisage excepting, from the direction for payment of wages, any workman on the principle of “no work no pay”.

8. In that view of the matter, I am of the opinion that there is no justification not to pay the wages to the three remaining workmen either and that the petitioner cannot *suo motu* refuse to comply with the direction contained in para 57 of the order dated 27th August, 2018 qua the said three workmen or applying the principle no work no pay. In order to enable the petitioner to pay the said three workmen within a week from today, re-notify on 7th July, 2022.

9. The petitioner is permitted to disburse the payments for the said three workmen to learned Counsel for the respondent.

C.HARI SHANKAR, J

MAY 24, 2022/kr