

The Madras HC says holidays under NI Act not applicable to all

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Workers in private sector will not be entitled to wages if they fail to turn up, says judge

The declaration of a holiday by the government under the Negotiable Instruments Act of 1881 will not be applicable to private companies falling under the Factories Act of 1948 and therefore, workers will not be entitled to wages if they fail to turn up for work on those days, the Madras High Court has ruled.

Justice S.M. Subramaniam held so while allowing a writ petition filed by the management of Bimetal Bearings Limited of Hosur in Krishnagiri district. The company had challenged an order passed by a labour court in favour of 47 employees who did not work on July 30, 2015.

The judge pointed out that former President A.P.J. Abdul Kalam died on July 27, 2015, and hence the State government issued a notification under the Negotiable Instruments Act the next day declaring July 30, 2015, a public holiday as a mark of respect.

The petitioner factory chose to declare it as a paid holiday only for those who were supposed to report for duty in the general shift (8:30 a.m. to 5 p.m.) and first shift (7 a.m. to 4 p.m.). Holiday was denied to those on third (4 p.m. to 12:30 a.m.) and fourth (12:30 a.m. to 7:30 a.m.) shifts.

Work on off day

When the workmen demanded a holiday for the other shifts too, the management agreed to grant it on condition that they should work on their weekly off day, which fell on August 2, 2015. About 47 workers did not accept the condition and hence, were denied wages leading to an industrial dispute.

Not finding any illegality in the decision taken by the factory management, Justice Subramaniam said: "This court is of the considered opinion that declaring a holiday by the government under the Negotiable Instruments Act would not be directly applicable to private companies falling under the Factories Act."