

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN, J.

Cont.P.No.2480 of 2015

E.Gopal

... Petitioner

Vs.

K.S.S.V.P. Reddy,
Director,
Arigner Anna Zoological Park,
Vandalur, Chennai - 600 048

... Respondent

Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent herein for the willful disobedience of the order passed by this Court in M.P.No.1 of 2013 in W.P.No.15055 of 2013, dated 05.06.2013.

For Petitioner : Mr.K.Bharathi

For Respondents : Mr.M.Inbanathan,
Government Advocate (Forest)

ORDER

The matter is relating to the non-employment of the petitioner herein. He was successful before the Labour Court. The Labour Court ordered reinstatement with 25% backwages. The respondent filed a writ petition, W.P.No.15055 of 2013, questioning the award of the Labour Court. This Court by order dated 05-06-2013 in M.P.No.1 of 2013 in W.P.No.15055 of 2013, has issued direction under Section 17B of Industrial Disputes Act to pay the last drawn wages. This contempt petition is filed for non-compliance of the said order, ie., the complaint is 17B wages has not been filed.

2. Now, it is stated that the 17B wages are paid and the amount paid is a sum of Rs.64,930/-(Rupees Sixty four thousand nine hundred and thirty only). Further, the petitioner/workman is also reinstated on 17-02-2016.

3. On reinstatement as stated above, the workman has not been paid on par with the similarly placed persons who got reinstatement by the Labour Court and were subsequently reinstated and are paid a sum of Rs.23,865/- (Rupees Twenty three thousand eight hundred and sixty five only) as monthly salary. He has produced the Pay Slip of Mr. C. Eraniyappan, designated as Animal Keeper, for the month of November 2014.

4. On reinstatement, in order to avoid 17B payment, the workman is entitled to current wages which he could have received, if he had not been dismissed from service. It has been categorically held in *Dena Bank Vs. Ghanshyam*, (2001)5 SCC 169. Hence the respondent is directed to pay the current wages payable to the petitioner i.e., a direction is issued to the respondent to pay current wages that are paid to the similarly placed persons on their reinstatement from 17-02-2016.

5. With the aforesaid directions, the contempt petition is closed.

mrp/glp

सत्यमेव जयते

SD/-
DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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CO/31/03/2016

One CC to M/s.K.Bharathi, Advocate, SR.3404

To

K.S.S.V.P. Reddy,

<https://hcservices.ecoursonline.in/hcservices/>

Arigner Anna Zoological Park,
Vandalur, Chennai - 600 048