



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **15.06.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A.[MD].No.730 of 2017
and
CMP (MD) No.5494 of 2017

1.The President,
Pavithram Pachayat,
Sengunthapuram Post,
Aravakurichi Taluk,
Karur District.

2.The Block Development Officer,
K.Paramathi Panchayat,
K.Paramathi Post,
Karur District.

3.The Assistant Director,
O/o. The District Collector Office Campus,
Karur District, Karur.

:Appellants

Vs.

1.The Presiding Officer,
Labour Court,
Trichy.

2.C.Ramasamy

: Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patents Act, to set aside the order dated 01.04.2015 passed in M.P.(MD).No.2 of 2015 in W.P.(MD).No.243 of 2015.

Prayer in MP(MD). 2/ 2015 in WP(MD).243/2015 :

To direct the respondents 1 to 3 to has wages to the petition as per section 17(B) of the Industrial Disputes Act, pending disposal of the above Writ Petition.

Prayer in WP(MD). 243/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari to call for the records relating to the impugned award passed by the 1st respondent, the Labour Court, Trichy made in I.D.No.89 of 2010 on 11.11.2014 quash the same.



JUDGMENT

[Judgment of the Court was made by T.S.SIVAGNANAM, J.]

Heard the learned Counsels for the parties.

2. This appeal is directed against the order passed in MP(MD) No.2 of 2015 in W.P.(MD).No.243 of 2015, where in the respondent sought for payment of wages under Section 17(B) of Industrial Disputes Act, 1947. The said Petition was allowed by order dated 01.04.2015.

3. On perusal of the order, we find that there is no reason assigned for allowing the petition. It was simply ordered that the petition is ordered as prayed for.

4. Since the order does not contain any reasons, We are inclined to interfere with the same. Accordingly, the writ appeal is allowed, the impugned order is set aside, with direction to the respondent employee to file an affidavit before the appellant Panchayat stating that he is not in gainfull employment. Based on the affidavit, the appellant panchayat is entitled to conduct an enquiry and if it is found that the respondent employee is gainfully employed, it is open for the appellant to refuse to pay subsistence allowance by passing a speaking order. If there is no evidence to show that he is employed, then the appellant is directed to pay the wages under Section 17 (B) of the Act, from the date of filing the Writ Petition that is from March 2015.

5. With the above directions this Writ appeal is allowed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1. The Presiding Officer,
Labour Court, Tirunelveli.
2. The Block Development Officer,
K.Paramathi Panchayat,
K.Paramathi Post,
Karur District.
3. The Assistant Director,
O/o. The District Collector Office Campus,
Karur District, Karur.

Dsk

MAS/GT/SAR2:06.07.2017:2P-4C

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