



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Twenty Fourth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice P.D.AUDIKESAVALU

WMP (MD) No.3234 of 2017
IN
WP (MD) No.3419 of 2016

A.SELVAM,

... PETITIONER/2nd RESPONDENT

Vs

1 THE MANAGEMENT,
TAMIL NADU STATE TRANSPORT CORPORATION
(MADURAI) LTD., MADURAI REGION,
MADURAI-625 016.

...1ST RESPONDENT/WRIT PETITIONER

2 THE PRESIDING OFFICER,
LABOUR COURT,
MADURAI-625 020.

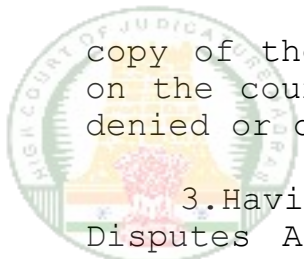
...2ND RESPONDENT/1ST RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the 1st Respondent/Petitioner either to reinstate Petition/2nd Respondent in service or to pay him monthly wages every month from the date of the impugned award dated 30.06.2015 in I.D.No.34 of 2013 of the 1st respondent till the disposal of the writ Petition.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.ARUNACHALAM, Advocate for the petitioner and of MR.A.JAYARAM, Advocate for the first Respondent the court made the following order:-

The Tamil Nadu State Transport Corporation Ltd., has filed the writ petition challenging the award dated 30.06.2015 in I.D.No.34 of 2013 passed by the Labour Court, Madurai, directing the petitioner to reinstate the second respondent as casual worker on daily wage basis on the same conditions existed before, within 3 months from the date of receipt of that order, but without back-wages and other benefits.

2.The second respondent A.Selvam has filed W.M.P.(MD) No.3234 of 2017 for a direction to the petitioner to reinstate him in service or pay monthly wages every month from the date of impugned award till the disposal of the writ petition. It has been further stated in the affidavit filed by the said Selvam that he is not employed anywhere and is suffering without livelihood. Though the



copy of the petition in W.M.P.(MD) No.3234 of 2017 has been served on the counsel for the petitioner on 08.03.2017, this has not been denied or disproved by petitioner till date.

3.Having regard to the provisions of 17-B of the Industrial Disputes Act, 1947, the second respondent is entitled to receive monthly payment of the last drawn wages at the time of retrenchment, if the Corporation does not intend to reinstate him in service. In the event of reinstating him, the said A.Selvam is entitled to monthly wages at the rate as applicable on date for casual worker on daily wage basis. The petitioner shall ensure that the entitled monthly amount is paid to the second respondent before the 10th day of each month. The arrears of last drawn wages payable from the date of filing of the writ petition till 30.11.2017, in terms of Section 17-B of the Industrial Disputes Act, 1947, shall be paid by the petitioner to the second respondent on or before 31.01.2018.

W.M.P.(MD) No.3234 of 2017 is disposed of accordingly.

sd/-
24/11/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJ
TO

1 THE MANAGEMENT,
TAMIL NADU STATE TRANSPORT CORPORATION
(MADURAI) LTD., MADURAI REGION,
MADURAI-625 016.

2 THE PRESIDING OFFICER,
LABOUR COURT,
MADURAI-625 020.

+1. C.C. to M/S.S.ARUNACHALAM Advocate SR.No.35190

GJM/PM/PN/SAR-3-4.12.2017-2P-4C

ORDER
IN
WMP(MD) No.3234 of 2017
IN
WP(MD) No.3419 of 2016
Date :24/11/2017