

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Nineteenth day of March Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE SATRUGHANA PUJAHARI

WMP No.6158 of 2018

IN WP.18471/2015

M.VISWANATHAN

[PETITIONER]

Vs

1 THE MANAGEMENT

[RESPONDENTS]

TAMILNADU STATE TRANSPORT CORPORATION
(SALEM) LTD., 12, RAMAKRISHNA ROAD,
SALEM 636 004, REP. BY ITS GENERAL MANAGER

2 THE PRESIDING OFFICER
LABOUR COURT, SALEM

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Direct the Respondent Management to pay the Petitioner his last drawn wages under Section 17(B) of the Industrial Disputes Act from the date of filing of the Writ Petition and continue to pay the same till the disposal of the above Writ Petition No.18471/2015.

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.GIRIJA, Advocate for the petitioner and of MRS.RAJANI RAMADASS, Advocate on behalf of the 1st Respondent, the court made the following order:-

Heard the counsel for the petitioner in Writ miscellaneous petition who is the Workman/1st respondent in the writ petition, so also learned counsel for the writ petitioner/Management.

2. It appears that an award passed in I.D.No.13 of 2008, of the Industrial Tribunal cum Labour Court, Salem, directing reinstatement with continuity of service, backwages and all other attendant benefits, has been challenged by the Management in the writ petition.

3. Section 17 B of the Industrial Disputes Act, mandates

that wherein any case, a Labour Court, Tribunal or National Tribunal by its award directs reinstatement of any workman and the employer prefers any proceedings against such award in a High Court or the Supreme Court, the employer shall be liable to pay such workman, during the period of pendency of such proceedings in the High Court or the Supreme Court, full wages drawn by him, inclusive of any maintenance allowance admissible to him under any rule if the workman had not been employed in any establishment during such period and an affidavit by such workman has been filed to that effect in such Court. However, if it is proved to the satisfaction of the High Court or the Supreme Court that such workman had been employed and had been receiving adequate remuneration during any such period or part thereof, the Court shall order that no wages shall be payable under this Section for such period or part, as the case may be.

4. The workman has filed the affidavit in this regard indicating that she is not employed and not receiving adequate remuneration. The aforesaid fact is not disputed/ controverted by the Management and it is also an admitted fact that the Management has not reinstated the workman.

5 . In such premises, this Court directs the Management / writ petitioner to pay the petitioner the last wages drawn by her from the date of filing of the Writ Petition till the end of February 2018, within a period of six weeks from the date of receipt of a copy of this order, by depositing the said amount in the workman/1st respondent's account to be furnished by him and go on paying the wages from the month of March 2018 onwards at the aforesaid rate, by 10th of every succeeding English calendar month.

6. With the aforesaid direction, the writ miscellaneous petition stands disposed of.

-sd/-
19/03/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRESIDING OFFICER
LABOUR COURT, SALEM

C.C. to M/S.S.GIRIJA Advocate SR.NO. 3569

C.C. to M/S.S.RAJANI RAMADASS Advocate SR.NO. 3494

Order

in
WMP.6158/2018

in
WP.18471/2015

Date :19/03/2018

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