

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.6164 of 2018

IN WP.8275/2017

R.S.JESUDAS, CR NO.2907

[PETITIONER]

Vs

1 THE PRESIDING OFFICER
THE LABOUR COURT, SALEM

[RESPONDENTS]

2 THE MANAGEMENT
TAMILNADU STATE TRANSPORT CORPORATION
(SALEM) LTD., 12, RAMAKRISHNA ROAD, SALEM-7,
REP. BY ITS GENERAL MANAGER

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 till the date of his superannuation during December 2017, pending disposal of the above Writ Petition No.8275/2017.

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.RANJANI RAMDASS, Advocate on behalf of the 2nd Respondent, the court made the following order:-

Heard the counsel for the petitioner in Writ miscellaneous petition who is the Workman/2nd respondent in the writ petition, so also learned counsel for the writ petitioner/Management.

2. It appears that an award passed in ID.No.30 of 2013, of the Industrial Tribunal cum Labour Court, Chennai, 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 he 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. It is stated that the workman has already retired.

5 . Considering the aforesaid facts, this Court directs the Management / writ petitioner to pay the petitioner the last wages drawn by him at the time of termination from the date of award i.e., (*)16.02.2016 till the date of Superannuation, within a period of six weeks from the date of receipt of a copy of this order.

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

-sd/-
19/03/2018

**[(*) BEING MENTIONED AS PER ORDER OF
THIS COURT DATED 06/06/2018 BY SPIJ
REGARDING IN ORDER PORTION]**

/ TRUE COPY /

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

TO

1 THE PRESIDING OFFICER
THE LABOUR COURT, SALEM

C.C. to M/S.S.GIRIJA Advocate SR.NO. 3570

C.C. to M/S.S.RAJANI RAMADASS Advocate SR.NO. 3495

Order

in
WMP.6164/2018

in
WP.8275/2017

Date :19/03/2018

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JK 23/03/18

JK 07/06/18