

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.6166 OF 2018

IN WP.25331 OF 2017

THIRU.C.JAYAKUMAR, [PETITIONER]
EX-CONDUCTOR SR.NO.06999,
T.N.STC (CBE) LTD., ERODE, AT 110,
ANDI GOUNDANPUDUR, KADAPPANALLUR (P) 638 311,
BHAVANI TALUK, ERODE DISTRICT.

Vs

1 THE SPECIAL DEPUTY [RESPONDENTS]
COMMISSIONER OF LABOUR,
D.M.S.COMPOUND, CHENNAI-6.

2 THE GENERAL MANAGER
TAMILNADU STATE TRANSPORT CORPORATION,
(CBE) LTD., ERODE REGION,
CHENNIMALAI ROAD, ERODE.

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 (in WMP.6166/18) in WP.No.25331/17.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MS.S.GIRIJA Advocate for the petitioner and of MR.RAJENI RAMADOSS Advocate for 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 order was passed in A.P..No.44 of 2014, of the Special Deputy Commissioner of Labour, Chennai, dismissing the Approval Petition filed by the Writ petitioner/Management, 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.

5 . In such premises, this Court directs the Management / writ petitioner to pay the petitioner the last wages drawn by him 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/1nd 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 calender 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 SPECIAL DEPUTY
COMMISSIONER OF LABOUR,
D.M.S.COMPOUND, CHENNAI-6.

2 THE GENERAL MANAGER
TAMILNADU STATE TRANSPORT CORPORATION,
(CBE) LTD., ERODE REGION,
CHENNIMALAI ROAD, ERODE.

C.C. to MS.S.GIRIJA Advocate SR.No.3571

C.C. To MR.S.RAJENI RAMADASS Advocate SR.No.3496

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.6166/2018

in
WP.25331/2017

Date :19/03/2018

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