

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE V. PARTHIBAN

WMP No.29962 of 2017

IN WP.33174/2013

G.SELVAMANI,

[PETITIONER]

Vs

1 TAMIL NADU STATE TRANSPORT [RESPONDENTS]
CORPORATION LTD., SALEM DIVISION, REP. BY
ITS GENERAL MANAGER, NO.12, RAMAKRISHNA ROAD,
SALEM-7.

2 THE SPECIAL DEPUTY
COMMISSIONER OF LABOUR, CHENNAI.

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 to pay the Petitioner the full wages last drawn by the Petitioner inclusive of maintenance allowance as per Section 17-B of the Industrial Disputes Act, 1947 from 02.12.2013 the date of filing of the above WP No.33174 of 2013, (in WMP No.29962 of 2017) pending disposal of the above Writ Petition.No.33174/2013.

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.D.SADHASIVAN, Advocate for the petitioner and of MR.R.K.GANDHI, Standing Counsel on behalf of the 1st Respondents the court made the following order:-

The petitioner in the above said writ miscellaneous petition, i.e. W.M.P.No.29962 of 2017, was working as Conductor in the first respondent Corporation. Due to his ill-health, he has applied for leave for 30 days, i.e., from 29.10.2010 to 27.11.2010 and his leave was further extended for a period of 15 days, as he was not recovered from his illness. However, his absence is considered unauthorised and an enquiry was conducted and without giving personal opportunity of hearing to the petitioner herein, he was removed from service on 30.02.2012.

2.After the removal of the petitioner herein, an approval petition has been filed in A.P.No.61 of 2012 by the Management before the Special Deputy Commissioner of Labour, Chennai, seeking approval of the removal order, dated 15.02.2012. The approval petition was dismissed on 27.12.2012. In spite of dismissal of the approval petition, the petitioner herein was not allowed to join duty. He had also filed a Computation Petition No.253 of 2013 for grant of wages from 15.02.2012 to 31.10.2013 and the said petition was allowed with interest at 9% on 13.01.2015. Since the order passed by the Labour Court was not complied, the petitioner filed a petition in E.P.No.177 of 2015, which is still pending.

3.In the above said circumstances, the writ petition has been filed against the rejection of the approval petition. However, in view of the fact that the petitioner herein was not provided for wages in respect of the dismissal of approval petition, the present petition under Section 17(B) of Industrial Disputes Act, 1947, has been filed seeking for payment of last drawn wages.

4.Upon notice, Mr.R.K.Gandhi, the learned Standing Counsel entered appearance for the first respondent and made his submissions.

5.Since the petitioner herein has not reinstated in service, despite the dismissal of the approval petition as early as on 27.12.2012, the petitioner herein is entitled to last drawn wages as provided under Section 17(B) of the Industrial Dispute Act, 1947 from 02.12.2013 the date of filing of the above Writ Petition.

6.The first respondent / Corporation is directed to comply with the above direction and pay last drawn wages to the petitioner with arrears if any with effect from 02.12.2013 the date of filing of the above writ petition. The said order shall be complied with within a period of two weeks from the date of receipt of a copy of this order.

Therefore, the writ miscellaneous petition is ordered as prayed for.

-sd/-
24/01/2018

/ TRUE COPY /

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

TO

1 TAMIL NADU STATE TRANSPORT
CORPORATION LTD., SALEM DIVISION, REP. BY
ITS GENERAL MANAGER, NO.12, RAMAKRISHNA ROAD,
SALEM-7.

2 THE SPECIAL DEPUTY
COMMISSIONER OF LABOUR, CHENNAI.

C.C. to M/S.D.SADHASIVAN Advocate SR.No.895

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.29962/2017

in
WP.33174/2013

Date :24/01/2018

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