

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Twelfth day of March Two Thousand Eighteen

PRESENT

THE HON`BLE MR.JUSTICE SATRUGHANA PUJAHARI

WMP No.1985 of 2018

in WP No.20924 of 2016

S.PURUSHOTHAMAN,

[PETITIONER]

Vs

1 THE PRESIDING OFFICER,
PRINCIPLE LABOUR COURT, CHENNAI

[RESPONDENTS]

2 THE MANAGEMENT,
M/S.CARBORANDUM UNIVERSAL LTD,
C4 & C5, KAMARAJAR SALAI,
M.M.D.A. INDUSTRIAL COMPLEX,
KANCHEEPURAM DISTRICT.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Direct the Second Respondent / Management to pay the last drawn wages as per Section 17-B of I.D. Act and also arrears of wages from 25.08.2016 pending WP.No.20924 of 2016.

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.A.MANI, Advocate for the petitioner and of MR.C.MANO HAR GUPTA for M/S.GUPTA & RAVI Advocate for 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.27 of 2009, 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. It has also been in many cases held that such last drawn back wages can be directed to be paid from the date of the award. 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 award i.e., 25.08.2016 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/2nd 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/-
12/03/2018

/ TRUE COPY /

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

TO

1 THE PRESIDING OFFICER,
PRINCIPLE LABOUR COURT, CHENNAI

C.C. to M/S.A.MANI Advocate SR.NO.3131

Order

in
WMP.1985/2018

in
WP.20924/2016

Date :12/03/2018

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