

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1503 of 2016

C.Samidurai

.... Appellant

-vs-

1. The Managing Director,
Superfil Products Limited,
R.S.No.28/8-12, Mangalam Road,
Puducherry - 605 110

2. The Presiding Officer,
Labour Court,
Puducherry.

..... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in M.P.No.2 of 2015 in W.P No.2702 of 2015 dated 04.11.2015.

MP.2 of 2015 & WP.No.2702 of 2015

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an Interim Direction, directing the 1st Respondent to pay the Petitioner full last drawn wages from the date of award under Section 17-B of the Industrial Dispute Act and continue to pay the same every month on or before 10th day of Every English Calendar month; and

Writ petition filed under Article 226 of Constitution of India pleased to issue a writ of certiorari or any other Writ, Order or Direction in the nature of a Writ to call for the records and quash the Order dated 06/08/2012 issued by the 1st Respondent in I.D.No.35 of 2013.

For Appellant : Mr.PR.Thiruneelakandan
For Respondents : Mr.K.R.Vijayakumar - R1
R2 -Court

J U D G M E N T

[Judgment of the Court was delivered by
K.K. SASIDHARAN,J.]

The order dated 04.11.2015 in M.P.No.2 of 2015 in W.P.No.2702 of 2015 directing the first respondent to pay wages under Section 17-B of the Industrial Disputes Act is under challenge at the instance of the workman on the ground that there was no direction to pay the differential wage between the date of the award and the date on which the Writ Petition was filed by the Management.

2. The learned single Judge taking into account the dispute raised by the workman and the Management, which includes the quantum of last drawn wage, arrived at a finding that the interest of justice would be sub-served by directing the Management to pay 17-B wages at the rate of Rs.7,500/- per month. It was a consent order taking into account the submission made on behalf of both the parties.

3. The challenge is now only on account of the non-payment of wages for the period from 06.08.2013 to 03.02.2015.

4. The Management was expected to pay 17-B wages during the currency of the Writ Petition and not from the date of the award passed by the Labour Court. The learned single Judge directed the first respondent to pay 17-B wages at the rate of Rs.7,500/- per month during the currency of the Writ Petition. There is no question of directing the Management to pay the wages for the period 06.08.2013 to 03.02.2015, when a direction is given to pay the wages under 17-B during the currency of the Writ Petition. We are, therefore, of the view that the order passed by the learned single Judge does not call for interference.

5. We direct the Registry to post the Writ Petition for final disposal before the learned single Judge as per roster. We request the learned single Judge to dispose of the matter as expeditiously as possible taking into account the fact that the award was passed way back on 06.08.2013.

6. This intra court appeal is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Presiding Officer,
Labour Court,
Puducherry.

+1cc to Mr.K.R.Vijaya Kumar, Advocate, S.R.No.47365

+1cc to Mr.PR.Thiruneelakandan, Advocate, S.R.No.47513

W.A.No.1503 of 2016

KJI (CO)
GSP(09/08/2018)



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