

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE V.PARTHIBAN

WMP No.3836 of 2019

in WP.No.19654 of 2018

P.JOTHILINGAM

[PETITIONER]

Vs

THE MANAGING DIRECTOR

[RESPONDENT]

M/S.HINDUSTAN UNILEVER (DETERGENT FACTORY)

NH-45, VADAMANGALAM, PUDUCHERRY-605004

REP BY ITS AUTHOD. REPRESENTATIVE

MS.VIDYA CHANDRASEKAR

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Direct the Respondent to pay the Petitioner last drawn wage of Rs.14,500/- per month, (in WMP.No.3836/2019) pending disposal of the above WP.No.19654/2018.

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.RAMAPRIYA GOPALAKRISHNAN, Advocate for the petitioner and of M/S.S.RAMASUBRAMANIAM, Advocate for the respondent the court made the following order:-

When the matter is taken up for hearing, on behalf of the employee, W.M.P.No.3836 of 2019 has been filed seeking direction to the Writ Petitioner Management for payment of last drawn wages, as per Section 17-B of the Industrial Disputes Act.

2.According to the learned counsel appearing for the employee, the Labour Court has ordered reinstatement of the employee. In view of the award passed by the Labour Court re-instating the employee and the Management having not implemented the award, the present petition has been filed under Section 17-B of the Industrial Disputes Act.

3.The learned counsel appearing for the employee/petitioner in W.M.P.No.3836 of 2019 would submit that the employee has not been gainfully employed and therefore, entitled to last drawn wages, pending disposal of the Writ Petition.

4. In view of the above submission, this Court is of the view that the entitlement of 17-B wages to the employee cannot be denied, particularly, when the employee was successful before the Labour Court in getting award of reinstatement. Therefore, in the fitness of things, this Court allows this petition and directs the Writ Petitioner/Management to pay last drawn wages, as admissible to the employee, pending disposal of the writ petition. The Management is directed to comply with this direction within a period of two weeks from the date of receipt of copy of this order and continue to pay monthly wages to the employee.

-sd/-

27/02/2019

/ TRUE COPY /

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

TO

1 THE INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
PUDUCHERRY.

C.C. to M/S.RAMAPRIYA GOPALAKRISHNAN Advocate Sr.No.2916

C.C. to M/S.S.RAMASUBRAMANIAM, Advocate Sr.No.3009

Order

in
WMP.3836/2019

in
WP.19654/2018

Date : 27/02/2019

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KP(01/03/2019) (IT)