

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Twenty Fifth day of March Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE V. PARTHIBAN

WMP No.7411 of 2019

IN WP.28224/2011

N.RAMESH

[PETITIONER]

Vs

1 THE MANAGEMENT [RESPONDENTS]
TIRUKOILUR CO-OPERATIVE URBAN BANK,
REP. BY ITS SPECIAL OFFICER,
NO.9, MARKET STREET,
TIRUKOILUR.

2 THE PRESIDING OFFICER
LABOUR COURT, CUDDALORE

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue an order of interim direction, directing the Management to reinstate the petitioner/ 1st respondent in service or in the alternative to pay him salary every month under Section 17B of the Industrial Disputes Act, (WMP.7411/2019) pending disposal of the above WP.28224/2011

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.T.K.SARAVANAN, Advocate for the petitioner and of MR.L.P.SHANMUGA SUNDARAM, Special Government Pleader on behalf of the 1st Respondent the court made the following order:-

The writ petition has been filed against the award of the Labour Court dated 09.08.2011 in I.D.No.159 of 2004, ordering reinstatement without continuity of service and back wages and other attendant benefits.

2. According to the learned counsel for the first respondent workman, the workman has been without any employment from the date of communication which was a subject matter of dispute before the second respondent Labour Court. According to him, even now, there

are two vacancies available in the category of sub-staff in the Petitioner Management.

3. On behalf of the petitioner Management, the learned counsel would submit that the first respondent workman is not entitled to any relief as granted by the Labour Court and the question of recommending the workman for service would not arise at all.

4. From the materials and submissions made by the learned counsel on either side, it could be seen that the service of the first respondent workman has been terminated by the petitioner Management without following the provisions of the Industrial Disputes Act. Therefore, the second respondent Labour Court was constrained to order reinstatement of the workman vide its award dated 09.08.2011 and the disputed award had been passed seven years before. The petitioner Management has not taken any steps to reinstate the petitioner in service after a lapse of so many years. Therefore, the present miscellaneous petition has been filed by the workman seeking direction to the Management to reinstate him in service or in the alternative to pay him salary every month under Section 17(B) of the Industrial Disputes Act.

5. Since the grant of last drawn wages is a statutory right vested in the employee during the pendency of the litigation before this Court, this Court has no hesitation in allowing this miscellaneous petition for 17(B) wages, pending disposal of the writ petition. Therefore, the petitioner Management is directed to disburse the last drawn wages to the workman with arrears from the date of the award and continue to pay monthly wages to him till the disposal of the writ petition. The petitioner Management is directed to comply with this direction within a period of four weeks from the date of receipt of a copy of this order.

6. Post the writ petition for final disposal on 03.06.2019.

-sd/-
25/03/2019

/ TRUE COPY /

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

TO

1 THE SPECIAL OFFICER,
MANAGEMENT, TIRUKOILUR
CO-OPERATIVE URBAN BANK,
NO.9, MARKET STREET, TIRUKOILUR.

2 THE PRESIDING OFFICER
LABOUR COURT, CUDDALORE

C.C. to M/S.T.K.SARAVANAN Advocate Sr.No.4290

C.C. to MR.L.P.SHANMUGA SUNDARAM, Special Government Pleader
Sr.No.4252

The Government Pleader, High Court, Madras Sr.No.4283

Order
in
WMP.7411/2019

in
WP.2/224/2011

Date :25/03/2019

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