

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Ninth day of July Two Thousand Nineteen

PRESENT

THE HON'BLE MR.JUSTICE V.PARTHIBAN

WMP No.10618 of 2019

in WP No.34789 of 2018

M.GOVINDARAJ

[PETITIONER]

Vs

THE MANAGEMENT OF VISHNURAM [RESPONDENT]
TEXTILESS (P) LTD,PALLAPPAMPATTI,
UDUMALPET, TIRUPPUR DISTRICT,
REP BY ITS GENERAL MANAGER,
MR.M.AYYASAMY.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Direction to the Respondent / Management to pay the Minimum Rates of Wages of Rs.10,176/- per month under Section 17 (B) of the Industrial Disputes Act, 1947 to the Petitioner / Workman from the date of the Award dated 31.05.2018 pending WP.No.34789 of 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.B.RAJAGOPAL, Advocate for the petitioner and of MR.R.JAYAPRAKASH Advocate on behalf of the Respondent the court made the following order:-

What is challenged in the present writ petition is to the award of the Labour Court, granting reinstatement and compensation in lieu of back wages by Award dated 31.05.2018 passed by the Additional Labour Court, Coimbatore in I.D.No.138 of 2006. As against the award, the present writ petition has been filed.

2.This Court, while ordering notice in the writ petition, by order dated 04.01.2019, has stayed the operation of the award.

3.On behalf of the workman, W.M.P.No.10618 of 2019 has been filed, seeking for payment of last drawn wages under Section 17(B) of the Industrial Disputes Act, 1947 since the operation of the award has been stayed by this Court.

4.Since the workman has succeeded before the Labour Court and obtained award for his reinstatement which has been stayed by this Court, he is entitled to last drawn wages under Section 17(B) of the Industrial Disputes Act. Payment of last drawn wages is statutorily conferred on the workman during the pendency of the writ petition against the award of labour Court.

5.In view of the same, W.M.P.No.10618 of 2019 is allowed and the petitioner/management is directed to pay last drawn wages to the petitioner from the date of filing of the writ petition along with the arrears of pay and also continue to pay the monthly last drawn wages till the disposal of the writ petition. The management is also directed to pay the arrears as well as last drawn wages within a period of four weeks from the date of receipt of a copy of this order.

6.In view of the order being passed in W.M.P.No.10618 of 2019, the interim stay granted by this Court is made absolute.

7.Post the Writ Petition in the usual course.

-sd/-

09/07/2019

/ TRUE COPY /

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

TO

1 THE PRESIDING OFFICER
THE ADDITIONAL LABOUR COURT, COIMBATORE.

C.C. to M/S.B.RAJAGOPAL Advocate on payment of necessary charges

WEB COPY

Order

in

WMP.10618/2019

in

WP.34789/2018

Date :09/07/2019

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VS 12.07.2019

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