

WP.No.25687 of 2018 &

W.M.P.No.12386 of 2019

V.PARTHIBAN,J.

The respondent/workman in this writ petition was terminated from service by the petitioner management. Since a dispute was pending, an approval petition in A.P.No.212 of 2014 has been filed seeking approval of the action taken against the workman. However, the Special Deputy Commissioner, Chennai vide his order dated 14.09.2017, rejected the approval sought for by the management. As against the above said rejection order, the present writ petition has been filed by the petitioner management.

2. WMP No.12386 of 2019 has been filed by the respondent/workman seeking payment of last drawn monthly wages under Section 17B of the I.D. Act with arrears from the date of filing of the writ petition. The workman has also filed WMP.Nos.12375 & 12378 of 2019 praying to (i) permit the petitioner to withdraw 50% of the award amount of Rs.12,26,700/- in CP.No.9 of 2018 on the file of the Labour Court, Cuddalore and (ii) direct the management to deposit award amount of Rs.12,26,700/-, before the Labour Court, Cuddalore in CP.No.9 of 2018.

3. However, WMP No.12386 of 2019, which has been filed seeking payment of last drawn monthly wages under Section 17B of the I.D. Act with arrears from the date of filing of the writ petition can be entertained on the ground that once the approval petition is rejected, the workman is deemed to have continued in service and entitled to monthly wages. Since the workman has not been reinstated by the petitioner management, this Court is of the view that the workman is entitled to last drawn wages under Section 17B of the I.D. Act. Hence, WMP No.12386 of 2019 is allowed and the petitioner/management is directed to pay last drawn monthly wages with arrears from the date of filing of the writ petition and continue to pay the wages till the disposal of the writ petition. The direction shall be complied with, within a period of four weeks from the date of receipt of a copy of this order.

4. As regards WMP.Nos.12375 & 12378 of 2019 are concerned, the respondent management is directed to file their counter. In the meanwhile, there shall be an order of stay of all further proceedings in pursuant to the order passed by the Special Deputy Commissioner, Chennai in A.P. No.212 of 2014 vide his order dated 14.09.2017.

5. Post the main writ petition after four weeks.

03.07.2019

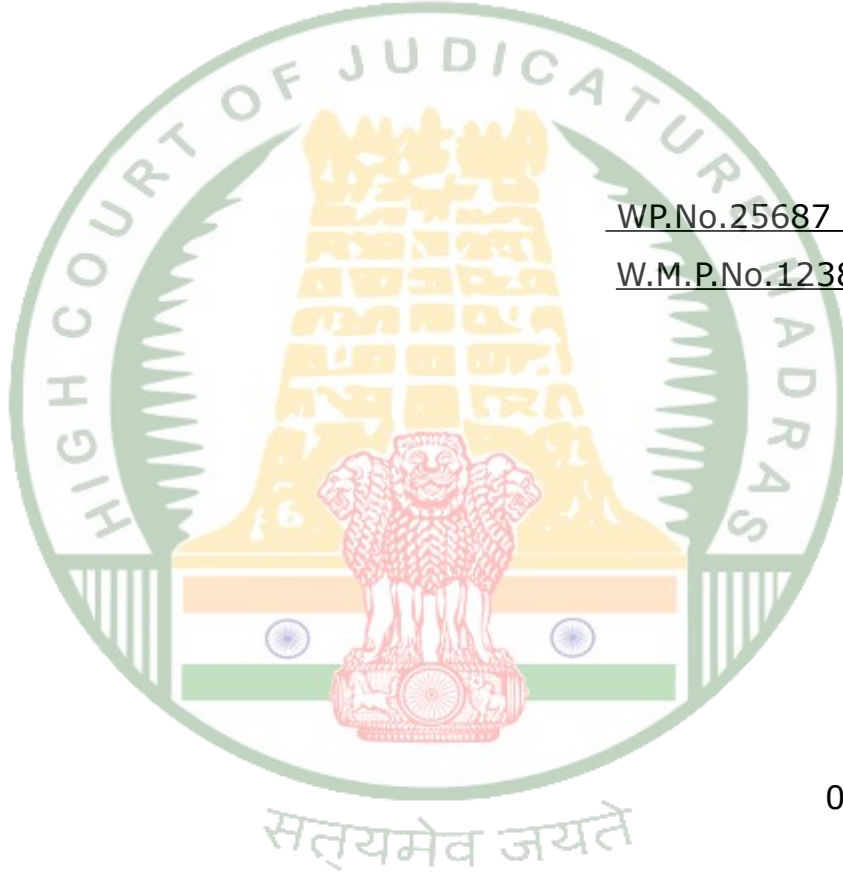
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