

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Special Original Jurisdiction )

Tuesday, the Twenty Seventh day of August Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE V.PARTHIBAN

WMP.Nos.22230 & 22233 of 2019

WP.No.19212 of 2018

1 U.RAMKUMAR, [ PETITIONERS IN BOTH THE  
PETITIONS ]

2 P.MANIKANDAN,

3 R.SUBASHINI,

4 S.MAHESWARI,

5 P.JANAGI,

6 G.JEEVANANDHAM

7 V.DATCHAYANI,

8 R.PRAKASH

Vs

THE MANAGING DIRECTOR, [ RESPONDENT IN BOTH THE  
M/S.KARAIKAL MARKET COMMITTEE, PETITIONS ]  
THIRUNALLAR ROAD, KARAIKAL

Petitions praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(i)Direct the Respondent to pay Rs.7995/- per month being the last drawn wages to the 1st Petitioner herein under Section 17-B of the Industrial Disputes Act, 1947, (in WMP.No.22230/2019) and

(ii)Direct the Respondent to pay Rs.7995/- per month being the last drawn wages to the 2nd Petitioner herein under Section 17-B of the Industrial Disputes Act, 1947, (in WMP.No.22233/2019) pending disposal of the above WP.No.19212/2018 respectively.

Order : These petitions coming on for orders upon perusing the petition and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.BALAN HARIDAS, Advocate for the petitioner and of M/S.A.R.RAMALINGAM, Additional Government Pleader on behalf of the Respondents the court made the following order:-

The Management has challenged the order of the Labour court granting 30% of backwages and continuity of service and other attendant benefits, besides reinstatement of the Petitioners 1 and 2 in I.D.(L).No.46 of 2017, by Award dated 18.04.2018, in the present writ petition.

2. While this court has admitted the Writ Petition and ordered notice to respondents 1 to 8/workmen vide order dated 27.07.2018, the respondents 1 and 2 /workmen has come up with WMP.Nos.22230 and 22233 of 2019, praying for grant of last drawn wages under Section 17-B of the Industrial Disputes Act, 1947 (hereinafter called as "ID Act").

3. Since the payment of last drawn wages is a statutory right conferred on the employee, in lieu of reinstatement in terms of the Award passed by the Labour Court, statutory rights cannot be denied under any circumstances, except if the employee is shown to be gainfully employed. That is not the case before this court and not it is the same pleaded by the Management.

4. In view of the same, this court is of the considered view that the Petitioners 1 and 2 in the above WMPs are entitled to be granted last drawn wages i.e., Rs.7,995/- per month, as claimed by the petitioners, pending finalisation of the Writ Petition.

5. In the said circumstances, the WMP.No.22230 and 22233 of 2019 are allowed and the Management is directed to pay last drawn wages to the 1st and 2nd petitioners/workmen, from the date of filing of the writ petition and continue to pay till the final disposal of the Writ Petition. The Writ petitioner/Management is directed to comply with the direction of this court, within a period of four weeks from the date of receipt of a copy of this order.

-sd/-

27/08/2019

/ TRUE COPY /

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

TO

1 THE MANAGING DIRECTOR,  
M/S.KARAIKAL MARKET COMMITTEE,  
THIRUNALLAR ROAD, KARAIKAL

C.C. to M/S.BALAN HARIDAS Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order

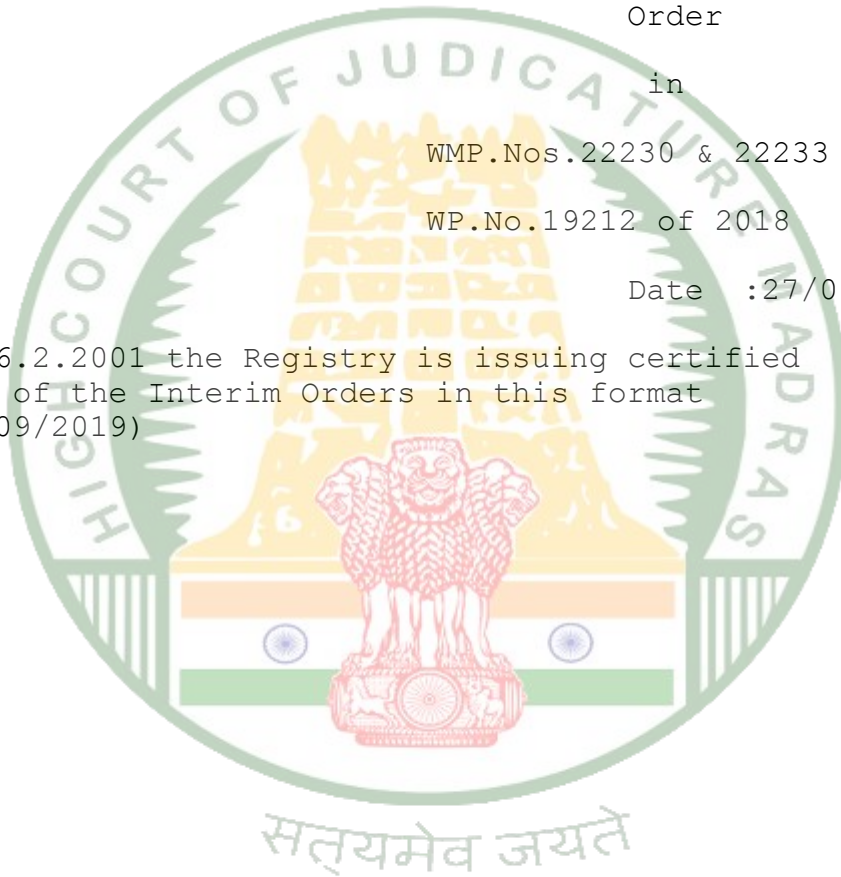
in

WMP.Nos.22230 & 22233 of 2019

WP.No.19212 of 2018

Date :27/08/2019

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KP(27/09/2019)



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