

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

THE HON'BLE MR.JUSTICE V.PARTHIBAN

WMP Nos.31088 & 31087 of 2018

in WP No.11954 of 2018

R.BALASUBRAMANIAN, [PETITIONER IN BOTH THE PETITIONS]

Vs

1 THE MANAGEMENT, [RESPONDENTS IN BOTH THE PETITIONS]
VINAYAKA MISSIONS MEDICAL COLLEGE AND
HOSPITAL, KEEZHAKASASKUDI,
KOTTUCHERRY, KARAIKAL.

2 THE PRESIDING OFFICER,
HONOURABLE INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PUDUCHERRY.

3 THE PRESIDENT / SECRETARY,
VINAYAKA MISSIONS STAFF WELFARE UNION,
NO.19, 4TH CROSS NEHRU NAGAR,
THALATHERU PO, KARAIKAL.

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

(1)direct the 1st Respondent Management to pay Rs.8335/- to the Petitioner herein every month under Section 17B of the I.D. Act 1947, (in WMP.31088/2018) and

(2)vacate the stay granted on 21.06.2018 in WMP No.13939 of 2018 in WP No.11954 of 2018 (in WMP.31087/2018) respectively pending WP.No.11954 of 2018.

Order :These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.BALAN HARIDAS, Advocate for the petitioner in both the petitions the court made the following order:-

The writ petition has been filed by the Management against the order dated 8.2.2018, passed by the Industrial Tribunal-cum-Labour Court, Puducherry, in I.A. No.6/2011 in I.D. (T) No.14/2009 rejecting the approval petition seeking approval for dismissal of the third respondent/workman.

2. On behalf of the workman, W.M.P. No.31088 of 2018 has been filed seeking a direction to the Management to pay Rs.8335/- to him every month under Section u/s 17-B of the Industrial Disputes Act. Simultaneously, W.M.P. No.31087 of 2018 has been filed seeking to vacate the interim stay granted by this Court, vide order dated 21.06.2018. Both the miscellaneous petitions are taken up together for disposal.

3. According to the learned counsel appearing for the workman, once the approval petition is rejected by the Industrial Tribunal, the workman is deemed to have continued in service and therefore, reinstatement becomes imperative legally. In view of the Management not reinstating the workman, it is submitted that the workman is entitled to the last drawn wages from February, 2018, u/s 17-B, of the Industrial Disputes Act.

4. This Court has repeatedly held that right for receiving last drawn wages is a statutory right conferred upon the workman and under no circumstances, the same could be denied citing pendency of the writ petition before this Court.

5. In view of the above legal position, this Court directs the petitioner/Management to pay the last drawn wages to the workman from February, 2018 and continue to pay the monthly wages to the workman, pending disposal of the writ petition. The petitioner/Management is directed to pay the arrears of wages from February, 2018 within a period of four weeks from the date of receipt of this order and continue to pay the wages, as ordered above, till the disposal of the writ petition.

6. Accordingly, W.M.P. No.31088/2018 is ordered in the above terms. In view of the order passed for payment of wages u/s 17-B, the vacate stay petition in W.M.P. No.31087/2018 stands dismissed.

7. Registry is directed to list the main writ petition for final hearing on 6th June, 2019.

-sd/-
03/04/2019

/ TRUE COPY /

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

TO

1 THE MANAGEMENT,
VINAYAKA MISSIONS MEDICAL COLLEGE AND
HOSPITAL, KEEZHAKASASKUDI, KOTTUCHERRY,
KARAIKAL.

2 THE PRESIDING OFFICER,
HONOURABLE INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PUDUCHERRY.

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



Order

in
WMP.31088 & 31087/2018

in
WP.11954/2018

Date :03/04/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
VS 08.04.2019

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