

WMP Nos.30206 & 30212 of 2018
in
W.P.No.11978 of 2018

V.PARTHIBAN,J.

The Writ Petition has been filed by the Management, Vinayaka Missions Medical College & Hospital, Keezhakasaskudi, Kottucherry, Karaikal against the order dated 08.02.2018 passed by the Industrial Tribunal Cum Labour Court, Puducherry in I.A.No.5/2011 in I.D.(T) No.14/2009 rejecting the approval petition seeking approval for dismissal of the respondent/workman.

2. On behalf of the workman, while W.M.P No.30212 of 2018 has been filed seeking direction for reinstatement or alternatively to pay the workman the last drawn wages u/s 17-B of the Industrial Disputes Act. Simultaneously, W.M.P.No.30206 of 2018 has been filed seeking to vacate the interim order of stay 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 workmen, it is submitted that the workman is entitled to the last drawn wages from February, 2018 u/s 17-B, of the Industrial

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 19.04.2018 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 19.04.2018 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.30212 of 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.30206 of 2018 stands dismissed.

7. Registry is directed to list the main Writ Petition for final hearing on 02.07.2019.

11.06.2019

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