

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Twenty Fourth day of January Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE K. RAVICHANDRABAABU

WMP No.1197 of 2020

IN WP.NO.27607/2019

P.DILLI

[PETITIONER]

Vs

1 THE MANAGEMENT

[RESPONDENT]

WHICHITRA AUTO LTD REP BY ITS
AUTHORISED SIGNATORY- R. DHAMODHARAN,
NO 85, MADUAVOIL BYE PASS ROAD,
AYANAMPAKKAMCHENNAI-53

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the petitioner / Management to pay the Respondent / Workman his last drawn wages of Rs.18,500/- Under section 17-B of the Industrial Disputes Act (WMP.1197/2020)

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.V.PORKODI, Advocate for the petitioner and of MR.S.BASHER AHMED, Advocate for the Respondent the court made the following order:-

This Writ Miscellaneous Petition is filed under Section 17B of the Industrial Disputes Act, for issuing a direction to the writ petitioner-Management to pay the respondent/Workman his last drawn wages of Rs.18,500/-.

2. The writ petitioner-Management challenged the award of the Labour Court dated 28.06.2019 passed in I.D.No.323 of 2015, which set aside the order of dismissal dated 16.10.2014 passed by the Management and directed them to reinstate the workman with continuity of service without backwages and attendant benefits.

3. The present writ miscellaneous petition is filed by the respondent-Workman under Section 17B of the Industrial Disputes Act, by stating in the accompanying affidavit that he is not employed from the date of dismissal till this date, even though he

tried to get employment. The said averment made by the Workman in his affidavit is not disputed by the Management by filing any counter so far. Thus, the non-employment of the Workman after the dismissal entitles him to get his last drawn wages from the Management as contemplated under Section 17-B of the Industrial Disputes Act, during the pendency of the proceedings.

4. Accordingly, this Writ Miscellaneous Petition is allowed and the writ petitioner-Management is directed to pay the respondent-Workman his last drawn wages from the date of filing of the writ petition, within a period of four weeks from the date of receipt of a copy of this order.

Post the main writ petition after four weeks.

-sd/-
24/01/2020

/ TRUE COPY /

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

TO
1 THE PRESIDING OFFICER,
3RD ADDITIONAL LABOUR COURT, CHENNAI

C.C. to M/S.V.PORKODI Advocate on payment of necessary charges

Order
in
WMP.1197/2020

in
WP.NO.27607/2019

Date :24/01/2020

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