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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE M.S.RAMESH

WMP.No.2702 of 2020

IN WP.No.15248 of 2019

C.BASKARAN,

[PETITIONER]

Vs

THE MANAGEMENT,

[RESPONDENT]

C.R.I. PUMPS (P) LTD, REP. BY ITS ASSOCIATE
VICE PRESIDENT - HUMAN RESOURCES,
S.SARAVANAN, NO.7/46-1, KEERANATHAM ROAD,
SARAVANAMPATTI, COIMBATORE - 641 035.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased To direct the writ petitioner Management to pay the petitioner Last Drawn/ 17-B wages every month from the date of the writ petition (in WMP.No.2702 of 2020) and till the disposal of the WP.No.15248 of 2019.

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.AJOY KHOSE, Advocate for the petitioner and of MR.S.RAVINDRAN, SENIOR ADVOCATE for MR.S.BAZEER AHAMED, Advocate for the Respondent, the court made the following order:-

Under Section 17-B of the Industrial Disputes Act, 1947, whenever the Labour Court directs reinstatement of the workman or the authority rejects the Approval Petition under Section 33(2)(b) of the Act, which award/rejection order have been challenged before the High Court or the Hon'ble Supreme Court and the workman was not gainfully employed in any establishment during such period and has filed a duly sworn in affidavit substantiating that he was not gainfully employed from the date of the award/rejection order, the Management is mandated to pay the last drawn wages under Section 17-B of the Act.

2. In a recent order passed in W.M.P.No.21520 of 2021 in W.P.No.1580 of 2021, dated 01.11.2021, this Court had held that such payment of the last drawn wages under Section 17-B, would normally



commence from the date of filing of the writ petition and whenever there is an inordinate and unexplained delay on the part of the Management in not challenging the award/rejection of the Approval Petition, such payment would commence from the date of the award/rejection order.

3. In the instant case, the award under Section 33(2)(b) was passed on 18.02.2019 and the Management had challenged the same in this writ petition on 03.06.2019. The delay in filing the writ petition cannot be construed as inordinate in nature. The first respondent herein has also filed an affidavit before this Court, wherein he has stated that he was not gainfully employed during the relevant period and hence, he would be entitled for payment of the last drawn wages from the date of filing of the writ petition.

4. As such, there shall be a direction to the petitioner/Management to pay the workmen the last drawn wages as provided under Section 17-B of the Industrial Disputes Act from the date of filing of the writ petition. The Management shall endeavour to disburse the arrears of such wages, atleast within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ miscellaneous petition stands disposed of.

-sd/-

02/11/2021

/ TRUE COPY /

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

TO

THE PRESIDING OFFICER,
ADDITIONAL LABOUR COURT, COIMBATORE.

C.C. to M/S.V.AJOY KHOSE, Advocate SR.NO.6389/2021

Order

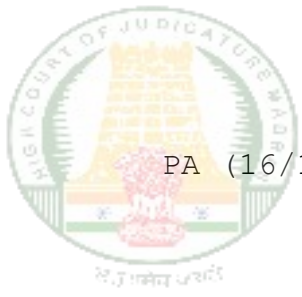
in

WMP.No.2702 of 2020

IN WP.No.15248 of 2019

Date :02/11/2021

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PA (16/11/2021)

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