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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.814 of 2021

IN WP.No.2320 of 2019

T.DHANARAJAN, [PETITIONER]
DRIVER CUM CONDUCTOR,
EMPLOYEE NO. 31681, NO. 3/116A,
THENDHAMARAKULAM, KANYAKUMARI,
KANYAKUMARI DISTRICT 629708.

Vs

1 THE GENERAL MANAGER, [RESPONDENTS]
TAMIL NADU STATE EXPRESS TRANSPORT
CORPORATION (TN) LTD,
PALLAVAN SALAI,
CHENNAI 600002

2 THE SPECIAL JOINT
COMMISSIONER OF LABOUR,
TEYNAMPET, CHENNAI.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the 1st Respondent / petitioner to pay last drawn wages of Rs.12,198/- to the petitioner under Section 17 B of I.D.Act, (IN WMP No.814/2021) pending disposal of the WP.No.2320 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.T.KARKIVELAN, Advocate for the petitioner and of MR.S.ARUMUGAM, Government Counsel for the 2nd Respondent, and of 1st Respondent not appearing either in person or by an Advocate, 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.

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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 rejection order.

3. In the instant case, the rejection order under Section 33(2) (b) was passed on 19.03.2018 and the Management had challenged the same in this writ petition on 23.01.2019. The delay in filing the writ petition cannot be construed as inordinate in nature. The petitioner herein/workman 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

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

TO

1 THE GENERAL MANAGER,
TAMIL NADU STATE EXPRESS TRANSPORT
CORPORATION (TN) LTD,
PALLAVAN SALAI,
CHENNAI 600002



2 THE SPECIAL JOINT
COMMISSIONER OF LABOUR,
TEYNAMPET, CHENNAI.

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C.C. to M/S.S.T.VARADARAJALU, Advocate SR.NO. 6422/2021.

Order
in
WMP No.814 of 2021

IN WP.No.2320 of 2019

Date :02/11/2021

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