



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

WEB COPY

PRESENT

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

WMP.No.7123 of 2020

IN WP.35238/2019

G.GNANARUBAN

[PETITIONER]

Vs

ASIAN PAINTS LIMITED
PENTA DIVISION, SIPCOT
CUDDALORE 607 005

[RESPONDENT]

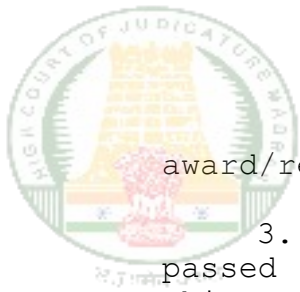
REPRESENTED BY ITS GENERAL WORKS MANAGER

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to directing the Petitioner / Management to comply with the direction of section 17B of ID Act to pay last draw of the Petitioners wages from the date of the filing of the Writ Petition till the disposal of the main case regularly and periodically(in WMP.No.7123 of 2020)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing he arguments of MR.R.MURALIDHARAN, Advocate for the petitioner and of MR.M.SURESH, Advocate on behalf of 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 in I.D.No.30 of 2012 was passed on 21.08.2019 and the Management had challenged the same in this writ petition on 06.12.2019. 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

/ TRUE COPY /

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

TO

THE JUDGE,
LABOUR COURT, CUDDALORE.

Order
in
WMP.No.7123 of 2020

IN WP.No.35238/2019

Date :02/11/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
GS(15/11/2021)