



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Fourteenth day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE S.VAIDYANATHAN

WMP No.11482 of 2019

in WP.No.4308 of 2016

V.MAGENDIRAN,

[PETITIONER]

Vs

1 THE MANAGEMENT

[RESPONDENTS]

M/S.LOTUS FOOTWEAR ENTERPRISES LIMITED,
B3, SIPCOT INDUSTRIAL PARK MANGAL VILLAGE,
MATHUR POST, CHEYYAR-631 701.

2 THE PRESIDING OFFICER

ADDITIONAL LABOUR COURT, VELLORE.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the first respondent/ Writ petitioner to pay the last drawn wages of the petitioner/ 2nd respondent under Section 17-B of the Industrial Disputes Act, 1947 with effect from the date of filing of WP.No.43089 of 2015, (in WMP.No.11482/2019) pending disposal of the above WP.No.4308/2016.

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.T.RAMKUMAR, Advocate for the petitioner and of M/S.GUPTA for M/S.M.KANDASAMY, Advocate for the 1st respondent the court made the following order:-

This Miscellaneous Petition is filed seeking a direction to the 1st Respondent/Writ Petitioner to pay the last drawn wages of the Petitioner under Section 17-B of the Industrial Disputes Act, 1947 with effect from the date of filing of the above Writ Petition.

2.Heard the learned counsel on either side and perused the material documents available on record.

3.The Petitioner/workman has got the benefit of the order of dismissal being set aside. He was imposed with the punishment of stoppage of promotion to a higher post, which was stagnated for two years, from the date the next promotion falls due. The Labour Court has passed the Award directing reinstatement of the Petitioner with continuity of service, but, the relief of backwages and all other



attendant benefits have been rejected.

4. Since there is an Award in favour of the workman, the workman has now filed a Petition under Section 17-B of the Industrial Disputes Act, 1947, claiming wages from the date of filing of the above Writ Petition.

5. Since the Petitioner/workman has got the benefits of the Award, **he shall be paid the last drawn wages on or before 5th of every month, from the date of the Award till he attains the age of superannuation or the disposal of the Writ Petition,** whichever is earlier.

6. It is needless to mention that, the pendency of the Writ Petition is not a bar for the Management to reinstate the Petitioner/workman in service without prejudice to the rights of the parties in the Writ Petition and in such event, the Petitioner/workman shall be paid on par with the regular employees, taking note of the finding in the Award, that has gone against the workman.

This Miscellaneous Petition is ordered accordingly.

-sd/-

14/07/2021

/ TRUE COPY /

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

TO

1 THE PRESIDING OFFICER
ADDITIONAL LABOUR COURT, VELLORE.

Order

in

WMP No.11482 of 2019

in WP.No.4308 of 2016

Date :14/07/2021

From 26.2.2001 the Registry is issuing certified
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KP(28/07/2021)