

W.M.P.No.18579 of 2021
in
W.P.No.16117 of 2021

M.S.RAMESH,J.

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 rejection order under Section 33(2)(b) was passed on 06.03.2020 and the Management had challenged the same in this writ petition on 30.07.2021. Since the delay in filing the writ petition is more than one year and four months and the reason assigned for such delay is unacceptable, the delay itself can be termed to be inordinate in nature and consequently, the workman would be entitled for payment of the last drawn wages from the date of the rejection order. The workman herein has also filed an affidavit before this Court, wherein he has stated that he was not gainfully employed during the relevant period.

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. 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.

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

02.11.2021

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