



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.19072 of 2021

in WP.No.30171 of 2017

THIRU P.KALAISELVAN

[PETITIONER]

Vs

1 THE PRESIDING OFFICER,
LABOUR COURT, SALEM.

[RESPONDENTS]

2 M/S.ROCA BATH ROOM PRODUCTS
PVT LTD., PLOT NO.R11,
SIPCOT INDUSTRIAL GROWTH CENTRE,
PERUNDURAI, ERODE-638 052,
REP. BY SENIOR VICE PRESIDENT-HR.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the respondent herein to pay me last drawn wages and all other attendant benefits as contemplated u/s 17B of the I.D. Act 1947 [in WMP No.19072 of 2021].

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.R.M.D.NASURULLAH, Advocate for the petitioner and of MR.ANAND GOPALAN, Advocate for the M/S.T.S.GOPALAN & CO., Advocate for the Respondents, 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.23 of 2010 was passed on 28.03.2016 and the Management had challenged the same in this writ petition on 14.11.2017. Since the delay in filing the writ petition is more than one year and seven months and the reason assigned for such delay is unacceptable, the delay itself can be termed to be inordinate in nature. 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 and hence, he would be entitled for payment of the last drawn wages from the date of the Award.

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 the Award. 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

THE PRESIDING OFFICER
LABOUR COURT, SALEM.

Order
in
WMP No.19072 of 2021
in WP.No.30171 of 2017
Date :02/11/2021

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