



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.20401 of 2021

IN WP.No.16430 of 2021

S.R.SRIDHARAN

[PETITIONER]

Vs

THE MANAGEMENT,
KSB LIMITED, NO.151,
METTUPALAYAM ROAD, NSN PALAYAM POST,
COIMBATORE-641 031

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the writ petitioner Management either to reinstate the petitioner or to pay the petitioner the last drawn wages payable to me under Section 17B of the ID Act every month from the date of award (in WMP.No.20401/2021) till the disposal of the WP.No.16430/2021

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 MR.V.AJOY KHOSE, Advocate for the petitioner and of MR.ANAND GOPALAN, Advocate for M/S.T.S.GOPALAN AND CO., Advocate for 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.

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3. In the instant case, the Award in I.D.No.8 of 2017 was passed on 10.12.2020 and the Management had challenged the same in this writ petition on 02.08.2021. 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, the workman 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 workman 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 ordered.

-sd/-

02/11/2021

/ TRUE COPY /

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

TO

THE ADDITIONAL LABOUR
COURT, COIMBATORE

Order

in

WMP.No.20401 of 2021

IN WP.No.16430 of 2021

Date :02/11/2021

From 26.2.2001 the Registry is issuing certified
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DV(12/11/2021)