



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

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

WMP No.23248 of 2021

in WP.No.7061 of 2020

P.RAJAGOPALAN

[PETITIONER]

Vs

THE MANAGING DIRECTOR,
PONDICHERRY COOPERATIVE
SUGAR MILLS LIMITED,
PONDICHERRY

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the respondent / petitioner to pay to petitioner / respondent to pay as per section 17(B) Industrial Dispute Act wages due from 19.11.2010 to 17.09.2018 [in WMP No.23248 of 2021] pending disposal of the above WP.No.7061 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 the arguments of M/S.S.RAVEE KUMAR, Advocate for the petitioner and of MR.G.DJEARAMY, GOVERNMENT ADVOCATE (PONDICHERRY) 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 was passed on 19.11.2010 and the Management had challenged the same in this writ petition on 07.12.2019. Since the delay in filing the writ petition is more than 9 years 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 award. 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, commencing from 19.11.2010 (i.e.,) from the date of the award and continue to pay the same till the final decision of this Court in this 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 II ADDITIONAL DISTRICT JUDGE,
PRESIDING OFFICER,
LABOUR COURT, PONDICHERRY

Order
in
WMP No.23248 of 2021
in WP.No.7061 of 2020
Date :02/11/2021

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