



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.25034 of 2021

IN WP.No.11873 of 2019

P.VISWANATHAN

[PETITIONER]

Vs

1 THE MANAGEMENT, [RESPONDENTS]
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD., CUDDALORE REGION,
CUDDALORE - 607 002.

2 THE SPECIAL DEPUTY COMMISSIONER
OF LABOUR, D.M.S.COMPOUND, CHENNAI.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the Respondent/Writ petitioner to pay to the petitioner herein his last drawn salary of Rs.14,880/- from the date of the order passed in A.P.No. 25 of 2015 i.e.from 16.07.2018 onwards till the (IN WMP.No.25034/2021)disposal of the above WP.No.11873/2019.

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.K.M.RAMESH, Advocate for M/S.P.VASANTHAMALA, Advocate for the petitioner and of MR.C.S.K.SATHISH for the 1st Respondent and of MR.S.ARUMUGAM, Government Counsel for the 2nd 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 rejection order under Section 33(2) (b) was passed on 16.07.2018 and the Management had challenged the same in this writ petition on 09.04.2019. Since the delay in filing the writ petition is less than one year, it cannot be construed as inordinate in nature and consequently, the workman would be entitled for payment of the last drawn wages from the date of the filing of the writ petition. 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 09.04.2019 (i.e.,) from the date of filing of the writ petition 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

1 THE MANAGEMENT,
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD., CUDDALORE REGION,
CUDDALORE - 607002



2 THE SPECIAL DEPUTY
COMMISSIONER OF LABOUR,
D.M.S.COMPOUND,
CHENNAI - 600006

WEB COPY

C.C. to M/S.P.VASANTHAMALA, Advocate SR.NO. 6408/2021.

Order

in

WMP.No.25034 of 2021

IN WP.No.11873 of 2019

Date :02/11/2021

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