



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

W.M.P.Nos.25072, 25073 & 25074 of 2021
in

W.P.Nos.30640, 30641 of 2018 & W.P.No.13192 of 2019

V.LAKSHMANAN [PETITIONER in WP.No.30640/2018]

S.CHELLAPPAN [PETITIONER in WP.No.30641/2018]

H.THULASIRAMAN [PETITIONER in WP.No.13192/2019]

Vs

MRL INDUSTRIAL CO-OPERATIVE SERVICE [RESPONDENT IN ALL THE
SOCIETY LIMITED, PETITIONS]
MANALI, CHENNAI - 600 068.
REP. BY ITS ASSISTANT DIRECTOR,
(INDUSTRIAL CO-OPERATIVE)MR.P.KRISHNAMURTHY.

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 the sum due of Rs.1,53,900/-(Rupees One Lakh fifty three thousand nine hundred only)to the petitioner/Respondent, which are the full wages pending from 22.12.2014 to September 2021 (81 months) and also further pay full wages as last drawn,(in W.M.P.Nos.25072/2021) pending disposal of the WP.No.30640/2018.

(2)To direct the Respondent / Petitioner to pay the sum due of Rs.1,53,900/-(Rupees One Lakh fifty three thousand nine hundred only)to the petitioner/Respondent, which are the full wages pending from 22.12.2014 to September 2021 (81 months) and also further pay full wages as last drawn,(in W.M.P.Nos.25073/2021) pending disposal of the WP.No.30641/2018.

(3)To direct the Respondent / Petitioner to pay the sum due of Rs.1,44,400/-(Rupees One Lakh forty four thousand four hundred only)to the petitioner/Respondent, which are the full wages pending from 11.05.2015 to September 2021 (76 months) and also further pay full wages as last drawn,(in W.M.P.Nos.25074/2021) pending disposal of the WP.No.13192/2019.



Order : These petition coming on this day for hearing upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MR.C.P.HEM KUMAR, Advocate for M/S.GANESH AND GANESH, Advocate for the petitioner in all the petitions and of MR.P.KRISHNAMURTHY for MR.M.MURALI VINODH, Advocate on behalf of 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 impugned awards were passed on 22.12.2014 and 11.05.2015 respectively and the Management had challenged the same in these writ petitions on 19.11.2018 and 27.04.2019 respectively. Since the delay in filing the writ petitions is more than 4 years and the reason assigned for such delay is unacceptable, the delay itself can be termed to be inordinate in nature and consequently, the workmen would be entitled for payment of the last drawn wages from the date of the award. The workmen herein have also filed an affidavit before this Court, wherein they have stated that they were not gainfully employed during the relevant period.

4. While the workmen claim that their last drawn wages was Rs.1,900/- per month, the Management would state that the last drawn wages was Rs.1850/- per month. The learned counsel for the petitioners/workmen, on instructions, would submit that they are willing to receive 17B wages @ Rs.1850/- per month as stated by the Management.

5. As such, there shall be a direction to the petitioner/Management to pay the workmen the last drawn wages @ Rs.1850/- per month as provided under Section 17-B of the Industrial Disputes Act, commencing from 22.12.2014 [W.P.Nos.30640 & 30641 of 2018] and 11.05.2015 [W.P.No.13192 of 2019] (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.

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6. Accordingly, these writ miscellaneous petitions stand disposed of.

-sd/-

02/11/2021

/ TRUE COPY /

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

TO

THE PRESIDING OFFICER,
LABOUR COURT, CHENNAI.

C.C. to M/S.GANESH AND GANESH Advocate SR.No.6464/2021

C.C. to M/S.GANESH AND GANESH Advocate SR.No.6462/2021

C.C. to M/S.GANESH AND GANESH Advocate SR.No.6463/2021

Order

in

W.M.P.Nos.25072, 25073 & 25074 of 2021

in

W.P.Nos.30640, 30641 of 2018 & W.P.No.13192 of 2019

Date :02/11/2021

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