



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.756 of 2022

The Mylapore Hindu Permanent Fund Ltd.,
rep. by its Secretary,
No.32 and 33, South Mada Street,
Mylapore, Chennai.

.. Appellant

Vs

1.T.S.Jaganathan

2.The Presiding Officer,
Principal Labour Court,
Chennai.

.. Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 10.01.2022 in W.P.No.28948 of 2015.

Prayer in WP.No.28948 of 2015: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records pertaining to ID No.28/99 on the file of the 2nd respondent dated 22.04.2015 and quash the same.

For the Appellant : Mr.S.Janarthanam

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

By this writ appeal, a challenge is made to the judgment dated 10.1.2022 passed by the learned Single Judge.

2. The writ petition was filed challenging the award of the Labour Court, whereby the the appellant-management was directed



to reinstate the first respondent-employee in service with continuity of service and 50% back wages after setting aside the order of dismissal from service.

3. The learned Single Judge, considering the fact that pending the writ petition the appellant-management had paid a lumpsum amount of Rs.3,50,000/- out of the total amount of Rs.7,50,000/- directed to be paid by way of an interim order passed on 23.6.2017, held that the first respondent-employee would not be entitled to the back wages from the date of the award, while affirming the award passed by the Labour Court.

4. At the outset, it needs to be observed that Section 17B of the Industrial Disputes Act, 1947, per se, does not allow a direction for payment of lumpsum amount, but directs payment of last pay drawn.

5. The learned Single Judge passed an order favourable to the appellant-management disallowing back wages from the date of award. Yet, the appellant-management filed a writ appeal, though an employee if not reinstated, is entitled to back wages. In any case, the first respondent-employee has not challenged the award passed by the Labour Court and only the appellant-management has challenged.

6. In such view of the matter, no interference with the judgment of the learned Single Judge is warranted. The writ appeal is, accordingly, dismissed. No costs. Consequently, C.M.P.No.5271 of 2022 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The Presiding Officer,
Principal Labour Court,
Chennai.

W.A.No.756 of 2022

MG(CO)
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