



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Eleventh day of August Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

W.M.P. (MD) .Nos.12390, 12410, 12411, 12404, 10576, 12408, 12403,
12409, 12424, 12391, 12396, 12422, 12406, 12407, 12420, 12392 of
2021 **in**

W.P. (MD) .Nos.13229, 13230, 13231, 13260, 13261, 13262, 13263, 13264,
13265, 13266, 13267, 13263, 13269, 13270, 13273, 13274, 12613, 12902
of 2021

PANJU.M

... PETITIONER/RESPONDENT
in WMP(MD) No.12390 of 2021 in
WP (MD) .13270/2021

MOOKAYEE.U

... PETITIONER/RESPONDENT
in WMP(MD) No.12410 of 2021 in
WP (MD) .13268/2021

MANJULA. K

... PETITIONER/RESPONDENT
in WMP(MD) No.12411 of 2021 in
WP (MD) .13269/2021

KALIAMMAL..M

... PETITIONER/RESPONDENT
in WMP(MD) No.12404 of 2021 in
WP (MD) .13230/2021

SUBRAMANI.T.G

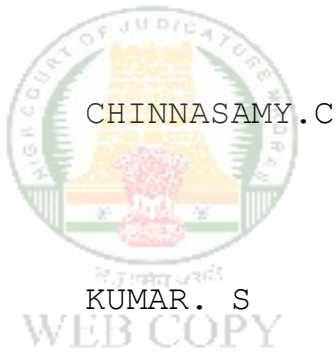
... PETITIONER/RESPONDENT
in WMP(MD) No.10576 of 2021 in
WP (MD) .12613/2021

S. PANDISELVI

... PETITIONER/RESPONDENT
in WMP(MD) No.12408 of 2021 in
WP (MD) .13273/2021

PANDIAMMAL.P

... PETITIONER/RESPONDENT
in WMP(MD) No.12403 of 2021 in
WP (MD) .13267/2021



W.M.P. (MD) .



21

... PETITIONER/RESPONDENT
in WMP(MD) No.12409 of 2021 in
WP (MD) .13229/2021

... PETITIONER/RESPONDENT
in WMP(MD) No.12424 of 2021 in
WP (MD) .13266/2021

MURUGAN.M

... PETITIONER/RESPONDENT
in WMP(MD) No.12391 of 2021 in
WP (MD) .13260/2021

CHELVAPANDI.K

... PETITIONER/RESPONDENT
in WMP(MD) No.12396 of 2021 in
WP (MD) .13274/2021

U.SEVUGAMOORTHY

... PETITIONER/RESPONDENT
in WMP(MD) No.12422 of 2021 in
WP (MD) .13264/2021

A.MUTHULAKSHMI

... PETITIONER/RESPONDENT
in WMP(MD) No.12406 of 2021 in
WP (MD) .13263/2021

IRULAYEE.M

... PETITIONER/RESPONDENT
in WMP(MD) No.12407 of 2021 in
WP (MD) .13262/2021

KARTHICK.M

... PETITIONER/RESPONDENT
in WMP(MD) No.12420 of 2021 in
WP (MD) .12902/2021

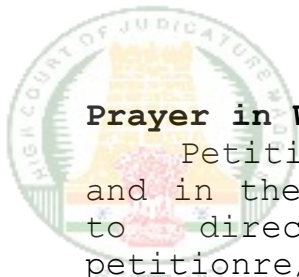
RAKKAMMAL.S

... PETITIONER/RESPONDENT
in WMP(MD) No.12392 of 2021 in
WP (MD) .13261/2021

Vs

THE COMMISSIONER
MELUR MUNICIPALITY,
MELUR,
MADURAI DISTRICT.

... RESPONDENT
IN ALL THE PETITIONS

**Prayer in WMP(MD) No.12390 of 2021 in WP(MD).13270/2021:**

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to direct the respondent/writ petitioner to pay the petitioner/respondent wages under section 17(B) of The Industrial Disputes Act every month, till the disposal of the main writ petition in W.P.(MD) No.13270 of 2021 and thus render justice.

Prayer in WMP(MD) No.12410 of 2021 in WP(MD).132268/2021 :

To direct the respondent/writ petitioner to pay the petitioner/respondent wages under section 17(B) of the Industrial Disputes Act every month, till the disposal of the main writ petition W.P.(MD).No.13268 of 2021 and thus render justice.

Prayer in WMP(MD) No.12411 of 2021 in WP(MD).13269/2021:

To direct the respondent / writ petitioner to pay the petitioner / respondent wages under section 17(B) of The Industrial Disputes Act every month, till the disposal of the main writ petition in W.P. (MD) No.13269 / 2021 and thus render Justice.

Prayer in WMP(MD) No.12404 of 2021 in WP(MD).13230/2021:

To direct the respondent/writ petitioner to pay the petitioner/respondent wages under section 17(B) of The Industrial Disputes Act every month, till the disposal of the main writ petition in W.P.(MD) No.13230 of 2021 and thus render justice.

Prayer in WMP(MD) No.10576 of 2021 in WP(MD).12613/2021:

To direct the respondent/writ petitioner to pay the petitioner/respondent wages under section 17(B) of The Industrial Disputes Act every month, till the disposal of the main writ petition in W.P.(MD)No. 12613 of 2021 and thus render justice.

Prayer in WMP(MD) No.12408 of 2021 in WP(MD).13273/2021:

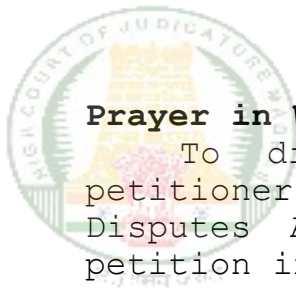
To direct the respondent / writ petitioner to pay the petitioner / respondent wages under section 17(B) of the industrial disputes act every month till the disposal of the main writ petition in WP(MD) No.13273 of 2021 and thus render justice.

Prayer in WMP(MD) No.12403 of 2021 in WP(MD).13267/2021:

To direct the respondent/writ petitioner to pay the petitioner/respondent wages under section 17(B) of the Industrial Disputes Act every month, till the disposal of the main writ petition W.P.(MD).No.13267 of 2021 and thus render justice.

Prayer in WMP(MD) No.12409 of 2021 in WP(MD).13229/2021:

To direct the respondent / writ petitioner to pay the petitioner / respondent wages under section 17(B) of the industrial disputes act every month till the disposal of the main writ petition in WP(MD) No.13229 of 2021 and thus render justice.

**Prayer in WMP(MD) No.12424 of 2021 in WP(MD).13266/2021:**

To direct the respondent / writ petitioner to pay the petitioner / respondent wages under section 17(B) of The Industrial Disputes Act every month, till the disposal of the main writ petition in W.P. (MD) No.13266 / 2021 and thus render Justice.

Prayer in WMP(MD) No.12391 of 2021 in WP(MD).13260/2021:

To direct the respondent / writ petitioner to pay the petitioner / respondent wages under section 17(B) of the industrial disputes act every month till the disposal of the main writ petition in WP(MD) No.13260 of 2021 and thus render justice.

Prayer in WMP(MD) No.12396 of 2021 in WP(MD).13274/2021:

To direct the respondent/writ petitioner to pay the petitionre/respondent wages under section 17(B) of The Industrial Disputes Act every month, till the disposal of the main writ petition in W.P.(MD) No.13274 of 2021 and thus render justice.

Prayer in WMP(MD) No.12422 of 2021 in WP(MD).13264/2021:

To direct the respondent / writ petitioner to pay the petitioner / respondent wages under section 17(B) of The Industrial Disputes Act every month, till the disposal of the main writ petition in W.P. (MD) No.13264 / 2021 and thus render Justice.

Prayer in WMP(MD) No.12406 of 2021 in WP(MD).13263/2021:

To direct the respondent/writ petitioner to pay the petitionre/respondent wages under section 17(B) of The Industrial Disputes Act every month, till the disposal of the main writ petition in W.P.(MD) No.13263 of 2021 and thus render justice.

Prayer in WMP(MD) No.12407 of 2021 in WP(MD).13262/2021:

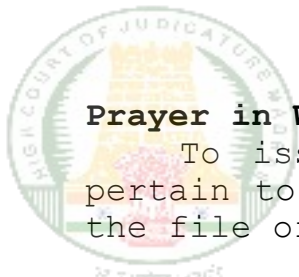
To direct the respondent/writ petitioner to pay the petitionre/respondent wages under section 17(B) of The Industrial Disputes Act every month, till the disposal of the main writ petition in W.P.(MD) No.13262 of 2021 and thus render justice.

Prayer in WMP(MD) No.12420 of 2021 in WP(MD).12902/2021:

To direct the respondent / writ petitioner to pay the petitioner / respondent wages under section 17(B) of The Industrial Disputes Act every month, till the disposal of the main writ petition in W.P. (MD) No.12902 / 2021 and thus render Justice.

Prayer in WMP(MD) No.12392 of 2021 in WP(MD).13261/2021:

To direct the respondent / writ petitioner to pay the petitioner / respondent wages under section 17(B) of the industrial disputes act every month till the disposal of the main writ petition in WP(MD) No.13261 of 2021 and thus render justice.

**Prayer in WP(MD) . 13229/ 2021 :**

To issue a writ of Certiorari calling for the records which pertain to the impugned order dated 30-09-2019 in ID.Nos.52/2014 on the file of the learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 13230/ 2021 :

To issue a writ of Certiorari calling for the records which pertain to the impugned order dated 30-09-2019 in ID.Nos.66/2014 on the file of the learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 13231/ 2021 :

To issue a writ of Certiorari calling for the records which pertain to the impugned order dated 30-09-2019 in ID.Nos.54/2014 on the file of the learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 13260/ 2021 :

To please to writ of certiorari calling for the records which pertain to the impugned order dated 16.07.2019 in ID.No.45/2014 on the file of the Learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 13261/ 2021 :

To issue a Writ of Certiorari calling for the records which pertain to the impugned order dated 16.07.2019 in ID.No.56/2014 on the file of the Learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 13262/ 2021 :

To issue a writ of Certiorari calling for the records which pertain to the impugned order dated 16-07-2019 in ID.Nos.64/2014 on the file of the learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 13263/ 2021 :

To please to writ of certiorari calling for the records which pertain to the impugned order dated 16.07.2019 in ID.No.49/2014 on the file of the Learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 13264/ 2021 :

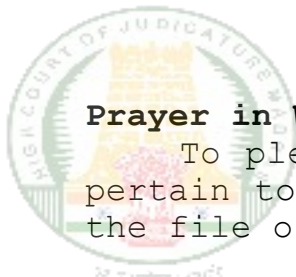
To issue a writ of Certiorari calling for the records which pertain to the impugned order dated 16-07-2019 in ID.Nos.68/2014 on the file of the learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 13265/ 2021 :

To issue a Writ of Certiorari calling for the records which pertain to the impugned order dated 16.07.2019 in ID.No.57/2014 on the file of the Learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 13266/ 2021 :

To issue a writ of Certiorari calling for the records which pertain to the impugned order dated 16-07-2019 in ID.Nos.67/2014 on the file of the learned Labour Court, Madurai and quash the same.

**Prayer in WP(MD) . 13267/ 2021 :**

To pleased to writ of certiorari calling for the records which pertain to the impugned order dated 16.07.2019 in ID. No.47/2014 on the file of the Learned Labour Court, madurai and quash the same.

Prayer in WP(MD) . 13268/ 2021 :

To issue a Writ of Certiorari calling for the records which pertain to the impugned order dated 16.07.2019 in ID.No.60/2014 on the file of the Learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 13269/ 2021 :

To issue a writ of Certiorari calling for the records which pertain to the impugned order dated 16-07-2019 in ID.Nos.65/2014 on the file of the learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 13270/ 2021 :

To issue a writ of Certiorari calling for the records which pertain to the impugned order dated 16-07-2019 in ID.Nos.63/2014 on the file of the learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 13273/ 2021 :

To issue a Writ of Certiorari calling for the records which pertain to the impugned order dated 16.07.2019 in ID.No.61/2014 on the file of the Learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 13274/ 2021 :

To pleased to writ of certiorari calling for the records which pertain to the impugned order dated 16.07.2019 in ID.NO.51/2014 on the file of the Learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 12613/ 2021 :

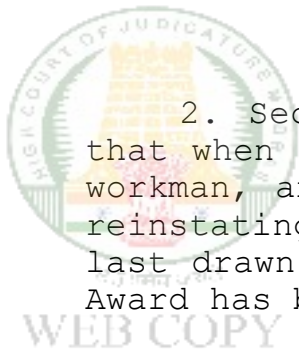
To writ of Certiorari calling for the records which pertain to the impugned order dated 16.07.2019 in ID.No.53/2014 on the file of the Learned Labour Court, Madurai and quash the same.

Prayer in WP(MD) . 12902/ 2021 :

To issue a Writ of Certiorari calling for the records which petition to the impugned order dated 30/09/2019 in ID.No.48/2014 o the file of the Learned Labour Court , Madurai and quash the same.

COMMON ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.RAVICHANDRAN T, Advocate for the petitioner in all the petitions and of Mr.J.GUNASEELAN MUTHAIYA, Advocate on behalf of the Respondent in all the petitions the court made the following order:-

In all these main writ petitions, the Management challenges the Award of the Labour Court ordering reinstatement together with 50% of the back wages and other benefits.



2. Section 17B of the Industrial Disputes Act, 1947, as that when the Labour Court passes an Award for reinstatement of the workman, and the Award is challenged before the High Court, without reinstating, the workman, he would be entitled for receiving the last drawn wages, provided he is not a gainfully employed after the Award has been passed.

3. In the affidavits filed in support of the above said miscellaneous petitions, the petitioners/workmen herein have stated that they are not employed anywhere, after the Award has been passed.

4. The respondent/Management has filed a common counter affidavit, in which, a vague averment has been made that the petitioners herein are employed in Private Limited Sectors and are receiving adequate remuneration, but, no other details or evidence have been produced before this Court to substantiate that the petitioners herein are gainfully employed during their period of non-employment. A mere allegation in the counter affidavit that they are employed in Private Sectors may not suffice to substantiate that the petitioners are gainfully employed. In the absence of such evidence before this Court, it could be taken that the petitioners herein were not gainfully employed, in the light of the averments made in the affidavits filed by the petitioners, in the present applications.

5. The Award of the Labour Court was passed on 16.07.2019 and challenging the Award, the Management had filed these writ petitions on 29.07.2021. As such, the petitioners would be entitled for receiving the last drawn wages, from the date of filing of the writ petitions, in accordance with Section 17B of the Industrial Disputes Act, 1947.

6. Accordingly, there shall be a direction to the respondent/the Commissioner of Melur Municipality, Madurai District, to forthwith pay each of the petitioners herein, their last drawn wages under Section 17B of the Industrial Disputes Act, from 29.07.2021 onwards, together with the arrears of such wages and continue to pay the same, till the final disposal of the present writ petitions. Such orders shall be passed, within a period of two weeks from the date of receipt of a copy of this order.

7. Accordingly, all the miscellaneous petitions stand allowed.

sd/-

11/08/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

THE COMMISSIONER
MELUR MUNICIPALITY,
MELUR,
MADURAI DISTRICT.

ORDER

IN

W.M.P. (MD) .Nos.12390, 12410, 12411,
12404, 10576, 12408, 12403, 12409,
12424, 12391, 12396, 12422, 12406,
12407, 12420, 12392 of 2021 **in** W.P.
(MD) .Nos.13229, 13230, 13231, 13260,
13261, 13262, 13263, 13264, 13265,
13266, 13267, 13263, 13269, 13270,
13273, 13274, 12613, 12902 of 2021

Date :11/08/2022

TM

SA/PN/SAR.2/26.08.2022/8P/2C