



W.M.P.No.198 of 2023
in W.P.No.17644 of 2022

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M.S.Ramesh.J.,

When the present application was listed in the last hearing on 29.03.2023, the learned standing counsel for the Transport Corporation, sought time to file counter.

2. Today, it is represented by the learned standing counsel that the impugned order is to reinstate the workman back into service and therefore, 17B application's prayer to pay last drawn wages, does not deserve consideration. This Court, is not in appreciation in the manner in which, the appreciation is made.

3. Under Section 17B of the Industrial Disputes Act, when the Labour Court or the Industrial Tribunal passed an award for reinstatement, the concerned workman would be entitled for the last drawn wages. The only requirement is that he should not be gainfully reinstated.

4. In the affidavit filed in support of the present application, the petitioner has stated in paragraph 8 that he is not gainfully employed.

5. In the absence of any counter from the respondent/Corporation, this Court is of the view that the statement made by the workman has not been disputed.



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Accordingly, he would be entitled for the last drawn wages from 04.07.2022 when the present Writ Petition was filed.

6. In the light of the above findings, there shall be a direction to the first respondent/Transport Corporation to forthwith pay the arrears of the last drawn wages to the petitioner/workman under Section 17B of the Industrial Disputes Act, from the date of filing of the Writ Petition i.e. from 04.07.2022, within a period of two (2) weeks from the date of receipt of a copy of this order. Thereafter, the Management shall continue to pay the monthly last drawn wages to the workman on or before 5th day of every month, till the final disposal of the Writ Petition.

7. Accordingly, the Writ Miscellaneous Petition stands ordered.

8. Post the Writ Petition for final disposal on 03.07.2023.

11.04.2023

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