



W.M.P.No.3329 of 2022
in W.P.No.26808 of 2021

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M.S.Ramesh.J.,

The petitioner/workman was terminated from service on 25.02.2019 and the application filed by the Management under Section 33(2)(b) of the Industrial Disputes Act, 1947, was rejected on 09.08.2021. On the strength of the order of rejection, the present miscellaneous petition has been filed, seeking for the last drawn wages under Section 17B of the Act.

2. In paragraph 8 of the affidavit filed in support of this petition, the workman has stated that after the order of termination, he is not gainfully employed elsewhere.

3. Though an opportunity was granted to the Management in the last hearing, i.e. on 03.04.2023, to get instructions, no counter affidavit has been filed. Thus, this Court is of the view that the claim made by the petitioner/workman that he is not gainfully employed, requires to be accepted and accordingly, he is entitled for the last drawn wages from the date on which the present Writ Petition was filed.

4. In the light of the above observations, there shall be a direction to the Management to forthwith disburse the entire arrears of the petitioner's last drawn wages under Section 17B of the Act, from the date of filing of the present Writ



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Petition, i.e. from 16.12.2021, within a period of two 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.

5. Accordingly, the Writ Miscellaneous Petition stands ordered.

6. Post the Writ Petition for final disposal on 19.07.2023.

12.04.2023

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