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W.P.No.15190 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21..02..2023

Coram

The Honourable **MR.JUSTICE M.S.RAMESH**

Writ Petition No.15190 of 2016

and

W.M.P.No.13236 of 2016

The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Rangapuram, Vellore – 632 009.

..... Petitioner

-Versus-

1.The Presiding Officer,
Principal Labour Court,
Vellore.

2.K.Murthy

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Prohibition, prohibiting the first respondent from hearing E.P.No.11 of 2016 for execution of the order dated 14.10.2015 passed by this Court in I.D.No.241 of 2009 in M.P.No.11 of 2012 in W.P.No.2516 of 2011, as the same is without jurisdiction and against the scope of Section 11(B) of the Industrial Disputes Act, 1947.



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For Petitioner(s) : Mr.M.Aswin

For Respondent(s) : Mr.S.T.Varadharajan for R2

ORDER

Against the award of the Principal Labour Court, Vellore, passed in I.D.No.241 of 2009, the management had filed a writ petition in W.P.No.2516 of 2011. Pending the writ petition, the workman had filed an application under Section 17-B of the Industrial Disputes Act, 1947 claiming his last drawn wages. This court by its order dated 14.10.2015 had awarded the last drawn wages u/s 17-B of the Industrial Disputes Act, 1947. Since the petitioner management had failed to pay the same, the workman had preferred an Execution Petition in E.P.No.11 of 2016. The management challenged this Execution Proceedings in the present writ petition.

2. Admittedly, the petitioner management had not challenged the order passed by this court in M.P.No.11 of 2012 in W.P.No.2516 of 2011 dated 14.10.2015 whereby 17-B wages was awarded. When the same had become final, the management cannot now challenge the consequential execution proceedings, without challenging the original order passed by this court. No valid grounds have also been taken in the affidavit filed by



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the management in support of the present writ petition. Thus, by taking into account the management had not challenged the order of this court passed under Section 17-B of the Industrial Disputes Act, they had no authority to challenge the consequential proceedings. This court has taken note of the fact that 8 years have passed since this court had ordered the management to pay 17-B wages and owing to the pendency of this writ petition, the same has not been fully paid.

3. At this juncture, the learned standing counsel for the management, on instructions, submitted that a portion of the amount has been paid. The learned counsel for the workman would also submit that only a remaining balance is yet to be paid.

4. By taking into account the view that this court has not appreciated the grounds raised by the management challenging the execution proceedings, they are bound to pay the balance amount to the 2nd respondent also. Accordingly, this writ petition stands dismissed with a direction to the management to forthwith pay the outstanding amount of last drawn wages as ordered by this court in M.P.No.11 of 2012 in W.P.No.2516 of 2011 within a period of four weeks from the date of



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receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition stands closed.

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Index : yes / no
Neutral Citation : yes / no
kmk

To

1.The Presiding Officer, Principal Labour Court, Vellore.



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M.S.RAMESH.J.,

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