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W.M.P.No.5712 of 2023
in W.P.32511 of 2022

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M.S.RAMESH. J,

The petitioner herein/workman was dismissed from service on 11.04.2016 and the application filed by the Management under Section 33(2)(b) of the Industrial Disputes Act, 1947 [hereinafter referred to as "the Act"], was rejected on 20.12.2021. 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 the affidavit filed in support of this Petition, the workman has stated that, after the order of dismissal, he is not gainfully employed in any manner.

3. Though an opportunity was granted to the Management in the last hearing, i.e. on 15.03.2023, to file their counter, no counter affidavit has been filed. Thus, this Court is of the view that the claim made by the petitioner herein/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.



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in W.P.32511 of 2022

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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 Petition, i.e. from 30.11.2022, within a period of four weeks from the date of receipt of a copy of this order. The Management shall further continue to pay the last drawn wages till the final disposal of the Writ Petition.

5. Accordingly, the Writ Miscellaneous Petition stands allowed.

6. Registry is directed to list the Writ Petition "for final disposal" on 09.06.2023.

29.03.2023

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29.03.2023