



WMP No.8802 of 2022

in

WP No.25770 of 2021

N.ANAND VENKATESH., J.

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This petition has been filed for a direction to the writ petitioner to pay full wages as provided under Section 17-B of the Industrial Disputes Act to the petitioner / workman, pending disposal of the writ petition.

2. When this petition was taken up for hearing on 09.12.2022, there was no representation on the side of the writ petitioner and hence, the case was posted for hearing today. Even today, there is no representation on the side of the writ petitioner. Hence, this Court proceeds to pass orders in this petition based on the averments made in the affidavit filed in support of the petition and the materials available on record.

3. Heard Mr.K.Elango, learned counsel for the petitioner and Mr.R.Arun Kumar, learned counsel for respondent.

4. The petitioner / workman was terminated from service and the same became a challenge before the Principal Labour Court, Chennai in I.D.No.39 of 2013. The Labour Court by an award dated 05.02.2021 came to a conclusion that the charges against the petitioner / workman was not proved beyond reasonable doubt and the petitioner / workman was not given an opportunity to put forth his case during the domestic enquiry. As a consequence, the



termination was set aside and the writ petitioner was directed to reinstate the

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petitioner / workman with continuity of service, full back wages and all other attendant benefits. This award has been challenged by the writ petitioner in the present writ petition.

5. When the writ petition was admitted, an order of interim stay was granted by this Court on 06.12.2021.

6. The present petition has been filed for a direction to the writ petitioner to pay the wages as provided under Section 17- B of the Industrial Disputes Act. A specific averment has been made in the affidavit to the effect that the petitioner / workman is not gainfully employed anywhere. That apart, the writ petitioner was not able to establish that the petitioner / workman was gainfully employed elsewhere and for the said purpose, the cross examination of MW1 has some significance.

7. In view of the above, this Court is inclined to allow this petition and there shall be a direction to the writ petitioner to pay the wages to the petitioner / workman under Section 17 - B of the Industrial Disputes Act, pending disposal of this writ petition. The arrears of wages shall be paid to the petitioner / workman within a period of four weeks from the date of receipt of the copy of this order. This writ miscellaneous petition is accordingly allowed.



19.01.2023

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