



W.M.P.No.15743 of 2020 in
W.P.No.30687 of 2019

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R. HEMALATHA, J.

The petitioner/workman was terminated from service on 01.04.2014. The respondent / Management filed I.D.No.107/2014 under Section 33(2)(B) of the Industrial Disputes Act, before the Joint Commissioner of Labour, Chennai. The Joint Commissioner of Labour, Chennai dismissed the petition on 10.12.2018, directing the Management to reinstate the petitioner/workman with continuity of service. Challenging the said order, the present Writ Petition is filed by the respondent/Management.

2. Pending Writ Petition, the petitioner/workman has filed the present Writ Miscellaneous Petition under Section 17-B of the Industrial Disputes Act, 1947 seeking for payment of the last drawn wages, backwages with all other attendant benefits.

3. In the affidavit filed in support of the petition, the petitioner had specifically stated that he is not gainfully employed elsewhere. The respondent/Management have not filed their counter affidavit denying such statement made by the petitioner in the affidavit.

4. When a Labour Court passes an Award, directing reinstatement of any workman, the employer shall be liable to pay full wages, last drawn, inclusive of maintenance allowances admissible to the employee as per Section 17B of the Industrial Dispute Act.



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5. Since the petitioner/Workman claims that he is not gainfully employed after the order of termination and the same has not been controverted through Counter affidavit, the petitioner is entitled for the last drawn wages.

6. In view of the same, there shall be a direction to the respondent/Management to disburse the entire arrears of last drawn wages under Section 17B of the Act, from the the date of filing of the Writ Petition i.e., from 22.10.2019, within a period of one month from the date of receipt of a copy of this order. Thereafter, the respondent/Management shall continue to pay the monthly last drawn wages to the workman on or before 5th day of every English Calender Month, till the final disposal of the Writ Petition.

7. Accordingly, this Writ Miscellaneous Petition stands ordered.

vum

07.11.2023

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