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W.M.P.No.16282 of 2022
in
W.P.No.3597 of 2022

M.S.RAMESH,J.

The petitioner/workman was terminated from service on 02.09.2020 and the application filed by the Corporation under Section 33(2)(b) of the Industrial Disputes Act, 1947, seeking for approval of the order of dismissal was rejected by the authority on 29.10.2021. As against the same, the main Writ Petition has been filed.

2. Pending the Writ Petition, the petitioner has filed the present miscellaneous petition under Section 17B of the Industrial Disputes Act, 1947, seeking for payment of the last drawn wages. In the affidavit filed in support of this petition, the petitioner has specifically stated that he is not gainfully employed elsewhere. The first respondent/management have not filed their counter affidavit denying such a statement made by the petitioner in the affidavit.

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3. Under Section 17B of the Industrial Disputes Act, 1947, when a Labour Court passes an award directing reinstatement of any workman, the employer shall be liable to pay the full wages last drawn by the workman, inclusive of any maintenance allowances admissible to him. The provision also extends for rejection of the application filed under Section 33(2)(b).

4. Since the petitioner/workman claims that he is not gainfully employed after the order of rejection was passed and the first respondent/ management has not controverted the same through a counter affidavit, the petitioner would be entitled for the last drawn wages.

5. 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 09.02.2022, 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

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wages to the workman on or before 5th day of every month, till the final disposal of the Writ Petition.

6. Accordingly, the writ miscellaneous petition stand ordered.

25.04.2023

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