



W.M.P.No.16787 of 2022 in
W.P.No.26121 of 2019

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M.S.RAMESH,J.

Under Section 17-B of the Industrial Disputes Act, 1947, whenever the Labour Court directs reinstatement of the workman or the authority rejects the Approval Petition under Section 33(2)(b) of the Act, which award/rejection order have been challenged before the High Court or the Hon'ble Supreme Court and the workman was not gainfully employed in any establishment during such period and has filed a duly sworn in affidavit substantiating that he was not gainfully employed from the date of the award/rejection order, the Management is mandated to pay the last drawn wages under Section 17-B of the Act, from the date of filing of the Writ Petition.

2. The learned counsel for the petitioner submitted that as against the award of the Labour Court, ordering for reinstatement and back wages, the Management had challenged only the portion of the award, which orders for payment of full back wages and since the award granting reinstatement



W.M.P.No.16787 of 2022 in
W.P.No.26121 of 2019

has not been challenged, they are not bound to pay the wages under Section 17B of the Act. Such a defence is not within the ambit or object of Section 17B.

3. What has been provided for under Section 17B is that, when a Labour Court directs reinstatement of any workman and such an award is challenged before the High Court or the Supreme Court, the concerned workman is entitled for full wages last drawn by him. The only two exceptions to this Rule are that such wages would not be payable if he was gainfully employed in any establishment during such period and if the Management had chosen to reinstate him. The provision does not make a distinction between the challenge of the entire award or a portion of the award.

4. The petitioner, in the affidavit filed in support of the present miscellaneous petition, has stated that he is not gainfully employed after the award of reinstatement was passed. The Management has not contraverted this claim of the petitioner. As such, the petitioner herein would be entitled for the last drawn wages under Section 17B of the Act.



W.M.P.No.16787 of 2022 in
W.P.No.26121 of 2019

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5. In the light of the above observations, there shall be a direction to the Management to pay the workmen the last drawn wages, along with arrears of wages, from the date of filing of the Writ Petition i.e., 27.08.2019, in view of the provisions under Section 17-B of the Industrial Disputes Act. The Management shall endeavour to disburse the arrears of such wages, atleast within a period of two (2) weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ miscellaneous petition stands ordered.

7. Post the writ petition for final disposal on 03.03.2023.

10.02.2023

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Note: Issue order copy on 16.02.2023



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