



W.M.P.No.22544 of 2022 in W.P.No.19379 of 2022

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M.S.RAMESH, J.

The present application has been filed under Section 17-B of the Industrial Disputes Act, 1947. The respondent/Board was served with the copy of the application on 24.08.2022.

2. In the last hearing, i.e., on 17.03.2023, the Management had taken time to file counter. Today, when the matter was called, learned counsel for the Management has sought further time to file counter. This Court is not inclined to grant further time, in view of the fact that the Award of the Labour Court was passed way back on 17.11.2021 and opportunity was granted to the Management to file counter.

3. In paragraph No.11 of the affidavit filed in support of the petition, the petitioner has stated that he is not in gainful employment after the Award of the Labour Court was passed. In the absence of any counter statement of the Management, the averments in the petitioner's affidavit is hereby accepted.

4. Section 17-B of the Industrial Disputes Act, 1947 provides that in cases where an award of reinstatement was passed and the workman is not gainfully employed thereafter, he would be entitled for the last drawn wages subject to the filing of an affidavit to that effect. Such an entitlement shall ordinarily be from the date of filing of the writ petition by the Management challenging the Award.

M.S.RAMESH, J.



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5. By taking consideration of the statement made by the workman in the affidavit, this Court is of the view that the petitioner is entitled for last drawn wages from 25.07.2022, which is the date on which, the writ petition was filed.

6. Accordingly, there shall be a direction to the respondent/Management/Electricity Board to forthwith pay the arrears of last drawn wages under Section 17-B of the Industrial Disputes Act, 1947 to the petitioner/workman from 25.07.2022 onwards within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the respondent/Management/Board shall continue to pay the last drawn wages on or before 5th of every succeeding month, pending disposal of the present writ petition.

With the above direction, WMP No.22544 of 2022 is ordered.

11.04.2023

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