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W.M.P.No.28547 of 2021
in W.P.No.1736 of 2018

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M.S.RAMESH,J.

The petitioner/workman was terminated from service on 29.08.2011 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 10.04.2015. 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/Corporation have not filed their counter affidavit denying such a statement made by the petitioner in the affidavit.

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



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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 respondent/ Corporation 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 findings, there shall be a direction to the first respondent herein/writ petitioner to pay the petitioner herein his last drawn wages, including the arrears of wages, commencing from 23.01.2018, which is the date of filing of the writ petition. Such disbursal of the wages shall be made atleast within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ miscellaneous petition stand allowed.

20.01.2023

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