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W.M.P.No.30266 of 2018
in W.P.No.618 of 2016

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M.S.Ramesh.J.,

Though the present miscellaneous petition was filed on 18.09.2018 and copies were also served on the learned counsel for the first respondent/Management, the Management has not filed a counter-affidavit till date.

2. In paragraph 13 of the affidavit filed in support of the present application, the workman had stated that after the award was passed, he was not gainfully employed anywhere. The Management, having not filed any counter-affidavit to this statement, is deemed to have admitted this fact. The award of the Labour Court came to be passed on 22.05.2015 and the workman had died on 08.01.2021.

3. The only difference raised by the learned counsel for the Management is that though they had offered employment to the workman, he refused to join. Such a statement is denied by the workman in his affidavit. Even otherwise, the ground that the Management had offered



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employment and the workman had refused to join, cannot be the ground for denial of the last drawn wages, as provided under Section 17A of the Industrial Disputes Act, 1947.

4. In the light of the above findings, the Management would be bound to pay the last drawn wages under Section 17B of the Industrial Disputes Act, from the date of filing of the Writ Petition i.e. from 04.01.2016 till 08.01.2021.

5. Accordingly, there shall be a direction to the first respondent/Management to forthwith pay the arrears of the last drawn wages to the legal heirs of the deceased workman Rajendran, under Section 17B of the Industrial Disputes Act, from the date of filing of the Writ Petition i.e. from 04.01.2016, till the date of the workman's death i.e. 08.01.2021, within a period of two (2) weeks from the date of receipt of a copy of this order.



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6. Accordingly, the Writ Miscellaneous Petition stands allowed.

7. Post the Writ Petition for final disposal on 26.04.2023 under the caption 'for orders'.

19.04.2023

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Note: Issue Order Copy on 20.04.2023



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19.04.2023