



W.P.(MD)No.18749 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.18749 of 2024

and

W.M.P.(MD)No.15871 of 2024

N.Balaji

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu Transport Corporation (Kumbakonam) Ltd.,
16, Railway Station New Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu Transport Corporation (Kumbakonam) Ltd.,
51/1, Pillai Thaneer Pandhal,
Pudukottai Region,
Pudukottai District.

3.The Special Joint Commissioner of Labour,
Chennai – 600 006.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned order in Ref. TNSTC/PDK/LS/SM/19 dated 18.07.2024 and quash the same as illegal and consequently direct



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the respondents 1 and 2 to pay full last drawn wages as provided under section 17 (B) of The Industrial Dispute Act, 1947, within a stipulated time of period fixed by this Court.

For Petitioner :Mr.K.Gokul

For Respondents :Mr.J.Ashok (R3)

Additional Government Pleader

Mr.K.Jegadees Balan (R1 & R2)

ORDER

This petition has been filed challenging the impugned order passed by the second respondent in Ref. TNSTC/PDK/LS/SM/19 dated 18.07.2024, rejecting the claim of the petitioner seeking for last drawn wages under Section 17B of the Industrial Disputes Act, 1947, with a consequential direction to the respondents 1 and 2 to pay full last drawn wages as provided under Section 17B of the Industrial Disputes Act, 1947, within a stipulated time of period fixed by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. Heard Mr.K.Gokul, learned counsel appearing for the petitioner, Mr.K.Jegadees Balan, learned counsel appearing for the first and second respondents and Mr.J.Ashok, learned Additional Government Pleader appearing for the third respondent.

4. The petitioner was appointed as Junior Assistant in the respondent Corporation on 02.02.2015 and his appointment was also confirmed by the second respondent. The respondent Corporation issued a charge memo dated 10.12.2020 on the allegation that the petitioner was not regular in duty and frequently taking long leave. Thereafter, the second respondent passed the dismissal order on 26.05.2022. Seeking approval of the petitioner's dismissal from service, the first respondent filed a petition, which was rejected by the third respondent. The petitioner sent a representation to the respondents to settle the backwages as per Section 17B of the Industrial Disputes Act, 1947. Since the same was not considered, the petitioner filed a writ petition before this Court in WP(MD)No.9073 of 2024 and this Court also directed the respondents



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therein to consider the said representation, through which the impugned order came to be passed. Challenging the same, this writ petition has been filed.

5. The learned counsel appearing for the petitioner submitted that the petitioner is fully entitled to reinstatement with continuity of service with full backwages from the date of suspension, since the third respondent rejected the approval of the petitioner's dismissal from service and hence, the impugned order is liable to be quashed.

6. Admittedly, the petitioner was issued a charge memo dated 10.12.2020 on the allegation that the petitioner was not regular in duty and frequently taking long leave and was also dismissed from service. The first respondent sought for approval of the same. However, the third respondent rejected the said approval and from that day onwards, the order of dismissal is not in force. Hence, the petitioner is entitled to be paid with 17B wages.



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7. In view of the above, the impugned order passed by the second respondent dated 18.07.2024 is set aside and this writ petition is allowed. The petitioner is directed to send a fresh representation to the respondents claiming full last drawn wages as provided under section 17 (B) of The Industrial Dispute Act, 1947. The respondents are also directed to pass orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of such representation of the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2024

NCC: Yes/No
Index : Yes/No
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R.N.MANJULA, J.

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To

- 1.The Managing Director,
Tamil Nadu Transport Corporation (Kumbakonam) Ltd.,
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Kumbakonam.
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