



W.A.No.3232 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.3232 of 2025

and C.M.P.No.26438 of 2025

M/s.Jaitech Power House Management
Founder P.Chellamuthu
New No.17, Old No.9, First Crescent Park Road
Gandhi Nagar, Adyar
Chennai 600 020

... Appellant

Vs.

K.Baskar
S/o.Kanniappan

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to allow the above Appeal by setting aside the order dated 20.12.2024 passed in W.P.No.28971 of 2022.

For Appellant

: Mr.Praveen Alexander

JUDGMENT



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WEB COURT

M.S.RAMESH, J.

and

R.SAKTHIVEL, J.

When the workman / respondent herein, who was engaged as a driver and terminated from service on 26.12.2019, he had challenged the termination before the I Additional Labour Court, Chennai, in O.P.No.96 of 2021. The Labour Court, while setting aside the termination order, had directed the Management to reinstate the petitioner into service with continuity of service from 26.12.2019, but without backwages or other attendant benefits, through its award passed in O.P.No.96 of 2021 dated 27.07.2022. The Management had not challenged the award. However, the workman / respondent had challenged the award denying back wages and other attendant benefits before the Writ Court in W.P.No.28971 of 2022. Pending the Writ Petition, the Management had reinstated the respondent herein on 26.06.2024. The Writ Court, while passing final orders on 20.12.2024, had endorsed the view taken by the Labour Court with regard to denial of backwages till the date of award. However, it was held that since the respondent herein was reinstated pending the Writ Petition on 26.06.2024, it had directed the Management to pay the backwages for the period between 27.07.2022 and 26.06.2024. This



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order in the Writ Petition is assailed in the present appeal.

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2.The learned counsel for the appellant submitted that the Writ Court, while endorsing the view of the Labour Court that backwages would not be automatic and would depend on the attendant circumstances to the case, ought not to have awarded backwages for the period from 27.07.2022 to 26.06.2024. In support of such a claim, he placed reliance on the decision of the Hon'ble Supreme Court, in the case of ***Rajasthan State Road Transport V. Phool Chand (D)*** (AIR (2018) SC 4534. It is also his claim that the Management was willing to reinstate the workman / respondent, but the respondent / workman had not joined the services and therefore he is not entitled for the backwages.

3.The appellant had filed a counter affidavit dated 13.12.2022 before the Writ Court. A perusal of the same reveals that no such stand has been taken before the learned Single Judge about the Management offering the job pursuant to the award, or the workman / respondent herein refusing the same. The Management has also not challenged that portion of the award ordering reinstatement. In this background, we do



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not endorse the submission of the learned counsel for the appellant that the Management was willing to offer reinstatement which was refused by the respondent / workman.

4.As stated earlier, the respondent herein was reinstated into service pending the Writ Petition on 26.06.2024, after an inordinate delay of almost two years. Since the Management had not challenged the award of the reinstatement, the award would be binding on them, on the expiry of 30 days from the date of its publication under Section 17 and the respondent / workman ought to have been reinstated at that point of time itself. It is admitted that during the pendency of the Writ Petition, the respondent herein was also not paid the last drawn wages under Section 17B of the Industrial Disputes Act, 1947. In this background, we do not appreciate the stand of the Management denying the backwages from the date of the award which the workman is otherwise legally entitled to.

5.Insofar as the decision cited by the learned counsel for the appellant in the case of ***Rajasthan State Road Transport V. Phool Chand (D)*** is concerned, there is no quarrel on the proposition that the claim of



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backwages would not be automatic and that it would be on the circumstances of each and every case. However, once the award of reinstatement is passed and there is an inordinate delay in implementing the award of reinstatement, the concerned workman would be entitled for the backwages. This is precisely why Section 17B has been provided for under the Industrial Disputes Act, 1947, to protect the workman who has the benefit of an award of reinstatement, with his last drawn wages. Since in the instant case, such last drawn wages has been denied, the learned Single Judge had rightly appreciated the facts and circumstances and awarded the backwages from 27.07.2022 i.e. date of the award till 26.06.2024, the date of reinstatement.

6. Since there is hardly any justification on the part of the Management in failing to implement the award for almost two years, we

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.
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are of the view, that interest could be awarded on the arrears of the



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backwages.

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7. Accordingly, the Writ Appeal stands dismissed, with a direction to the Management to forthwith implement the order of the Writ Court passed in W.P.No.28971 of 2022 dated 20.12.2024, within a period of four (4) weeks from the date of receipt of a copy of this order. The arrears of backwages shall be paid along with 9% interest for the aforesaid period. No costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R, J.]

[R.S.V, J.]

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Index: Yes / No

Neutral Citation

Speaking / Non Speaking

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