



WEB COPY



W.A.No.665 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.665 of 2025

and

C.M.P.No.5464 of 2025

The Management,
Tamil Nadu State Transport Corporation (Kovai Division) Limited,
No.37, Mettupalayam Road,
Coimbatore - 641 043.

... Appellant

Vs.

1.D.Dhandapani
2.The Special Joint Commissioner of Labour,
DMS Complex, Chennai.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order passed in WMP.No.32635 of 2022 in W.P.No.11648 of 2022 dated 26.04.2023 and to allow this Writ Appeal as prayed for.

For Appellant : Mr.A.Sundara Vadhanan



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JUDGMENT

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(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

We do not find any merit in this appeal against the order granting 17B wages to the workman. The petition seeking 17B wages was filed on 1st December 2022 and when the application was listed for hearing on 31.03.2023 time was sought to file counter. The matter was adjourned and it was taken up on 26.04.2023. Even on that date no counter has been filed.

2. Unless it is demonstrated that the workman is gainfully employed elsewhere the payment of 17B wages is mandatory. Such material was not placed before the writ Court. Hence, the writ Court cannot be faulted for passing orders directing payment of wages under section 17B of the Industrial Disputes Act.

3. The learned counsel for the appellant would contend that they were able to ascertain that the workman is gainfully employed in a private bus Company and certain materials also been placed before us. We do not think we can entertain such material at this point of time. Admittedly no material was placed before the Single Judge when the order was passed.



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4. Hence, the writ appeal is **dismissed**. It will be open to the Corporation to take appropriate disciplinary action against the officers who had not filed the counter in time, if they are really serious about saving the money of the Corporation. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (G.A.M.,J.)
13.03.2025

dsa

Index : No

Neutral Citation : No

Speaking order

To

1.The Management,
Tamil Nadu State Transport Corporation (Kovai Division) Limited,
No.37, Mettupalayam Road,
Coimbatore - 641 043.

2.The Special Joint Commissioner of Labour,
DMS Complex, Chennai.



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