



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-12-2025

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WMP No. 29705 of 2025

in

WP No. 16222 of 2025

K.Solaiyappan

Petitioner(s)

Vs

The Management
SANMINA SCI India Pvt Ltd,
OZ-1,SIPCOT Hi-Tech SEZ,
Oragadam, Sriperumbudur Taluk,
Kanchipuram District-602105.
Rep.by its authorised signatory

Respondent(s)

For Petitioner: Mr.S.Kumaraswamy

For Respondent: Mr.C.Manohar Gupta

ORDER

This is an application filed under Section 17B of the erstwhile Industrial Disputes Act, 1947, corresponding to Section 56 of the Industrial Relations



Code, 2020.

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2. The petitioner seeks a direction to the respondent management to pay his last drawn wages of Rs.23,973/-. In paragraph No. 5 of the affidavit, the petitioner has asserted that he is not in any gainful employment and is only taking up odd jobs that come his way for a few days in a month to survive.

3. A counter affidavit is filed by the respondent management. In paragraph No.13, it is contended that the petitioner has been running his own canteen services and holds a valid PAN card.

4. A reply is filed to the counter affidavit stating that the petitioner, *K.Solaiyappan* is not running any catering services.

5. *Mr.C.Manohar Gupta*, the learned counsel appearing on behalf of the management, would submit that if sufficient opportunity is granted, the respondent management will muster evidence in respect of their claim and



produce the same before the Court.

6. I have considered the pleadings and the rival submissions made on either side.

7. In an application under Section 17B of the Act/Section 56 of the Code, it is for the workman to plead that they are not gainfully employed. Once such an affidavit is brought on record, the onus is on the management to prove to the satisfaction of the Court that the workman is otherwise gainfully employed so as to be disentitled to 17B wages during the pendency of the proceedings. Though an averment is made in the counter affidavit, when the same is denied by the workman, the management has not produced any further proof in support of their plea. In that view of the matter, the application has to be allowed.

8. The respondent management shall pay the 17B wages from the date of filing of the writ petition. The writ petition was filed on 21.04.2025. As such, let the last drawn wages be paid from the month of May 2025. The arrears of last



drawn wages shall be paid on or before 09.12.2025. From that month onwards,
the 17B wages shall be paid on or before the 10th day of every succeeding
calendar month.

9. Accordingly, W.M.P.No. 29705 of 2025 is ordered.

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D.BHARATHA CHAKRAVARTHY J.

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