



Rev.Aplw.Nos.24 & 25 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2025

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

Rev.Aplw.Nos.24 & 25 of 2023

and

W.M.P.No.6746 of 2023

Rev.Aplw.No.24 of 2023

R.Illayaraja

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Salem Ltd., Salem.

2.Tamil Nadu State Transport Corporation (Salem) Ltd.,
Rep. by the General Manager,
No.12, Ramakrishna Road, Salem – 07.

...Respondents

Prayer: Review Application filed under Order 47 Rule 1 of Civil Procedure Code, 1908 r/w Section 114 to review the common order dated 22.04.2022 passed in W.P.No.17921 of 2013 by setting aside the order insofar as it directs the re-payment of 17-B wages to the extent of Rs.11 lakhs in lieu of reinstatement which condition though undertaken is illegal in terms of 17-B and also in view of various Hon'ble Supreme Court judgments and he can ill afford and consequently to direct the respondents to reinstate the petitioner as per the order of the Special Deputy



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Commissioner of Labour, Chennai.

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For Petitioner : Mr.N.G.R.Prasad
for M/s.Row and Reddy

For Respondents : Mr.M.Aswin,
Standing Counsel

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R.Illayaraja

...Petitioner

Vs

1.The Special Deputy Commissioner of Labour,
Chennai.

2.Tamil Nadu State Transport Corporation (Salem) Ltd.,
Rep. by the General Manager,
No.12, Ramakrishna Road, Salem – 07.

...Respondents

Prayer: Review Application filed under Order 47 Rule 1 of Civil Procedure Code, 1908 r/w Section 114 to review the common order dated 22.04.2022 passed in W.P.No.20163 of 2013 by setting aside the order insofar as it directs the re-payment of 17-B wages to the extent of Rs.11 lakhs in lieu of reinstatement which condition though undertaken is illegal in terms of 17-B and also in view of various Hon'ble Supreme Court judgments and he can ill afford and consequently to direct the 2nd respondent to reinstate the petitioner as per the order of the Special Deputy Commissioner of Labour, Chennai.



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For Petitioner : Mr.N.G.R.Prasad
for M/s.Row and Reddy

For R1 : Mr.A.M.Ayyadurai,
Government Advocate

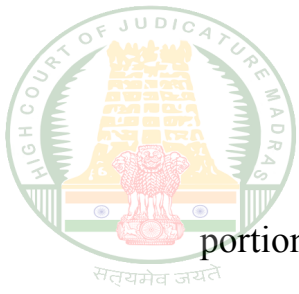
For R2 : Mr.M.Aswin,
Standing Counsel

COMMON ORDER

The present Review Applications have been filed to review the common order passed by this Court in W.P.Nos.17921 & 20163 of 2013, dated 22.04.2022.

2. When the Writ Petitions were pending, the workman appears to have given an affidavit dated 21.04.2021, wherein, among other undertakings, he had agreed to forego his entire back wages and has also undertaken to refund his last drawn wages under Section 17-B of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act') for the period between 01.07.2013 and 05.02.2022.

3. The learned counsel appearing on behalf of the petitioner submitted that the petitioner is not legally bound to refund the wages paid under Section 17-B of the Act and therefore sought for interference to that



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portion of the order.

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4. I find some force in the submission made by the learned counsel for the petitioner. The respondents, having paid the last drawn wages under Section 17-B of the Act, cannot now seek for refund of the same and any undertaking given by the concerned workman will not be legally binding.

5. In view of the same, I am inclined to review the common order passed in W.P.Nos.17921 & 20163 of 2013, dated 22.04.2022 and modify the same in the following manner:-

(i) Paragraph 14(iii) of the order dated 22.04.2022 shall stand deleted.

(ii) Paragraph 14(iv) of the order dated 22.04.2022 shall be renumbered as Paragraph 14(iii).

(iii) Paragraph 14(v) of the order dated 22.04.2022 shall be renumbered as Paragraph 14(iv) and substituted as follows:-

“The Management shall also pass orders permitting the workman to continue his services, within a period of four (4) weeks from the date of receipt of a copy of this order.”



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WEB COPY 6. With the above directions, both the Review Applications stand allowed. No costs. Consequently, connected miscellaneous petition is closed.

21.03.2025

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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Note: Issue order copy on 24.03.2025

To

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Salem Ltd., Salem.

2.The Special Deputy Commissioner of Labour,
Chennai.

3.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road, Salem – 07.



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M.S.RAMESH,J.

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