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W.A.No.3133 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.3133 of 2024
and C.M.P.No.24030 of 2024

N.Sethumadhavan

... Appellant

Vs.

The Management of
Katsushiro Matex India (P) Ltd.
A 38 and 39, SIPCOT Industrial Growth Center
Oragadam, Sriperumbudur Taluk
Kancheepuram District 602 105

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letter Patents, praying to set aside the order of the learned Judge in W.M.P.No.18842 of 2022 in W.P.No.3541 of 2022, pronounced on 26.03.2024.

For Appellant : Mr.V.Prakash
Senior Counsel
for M/s.M.Karthikeyani

For Respondent : Mr.S.Ravindran
Senior Counsel
Mr.P.Nehru

JUDGMENT



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and
R.SAKTHIVEL, J.

The appellant's claim under Section 17B of the Industrial Disputes Act, 1947, was rejected by the learned Single Judge only on the ground that the appellant herein had not disclosed that he was running a contract business till the year 2018, and therefore, by recording that the suppression does not disclose bonafide, had rejected the claim. Under Section 17B of the I.D. Act, the period for which the workman, whose termination order has been set aside by the Court or his approval petition under Section 33(2)(b) of I.D. Act, is rejected, to be entitled for the last drawn wages, from the date on which the order is challenged either before the High Court or before the Hon'ble Supreme Court.

2.In this case, the rejection order of the approval petition was challenged in the Writ Petition filed on 08.02.2022 in W.P.No.3541 of 2022. What is alleged to have not been disclosed before the Writ Court was his contract business conducted till the year 2018. Admittedly, the appellant had closed the business in the year 2018 itself, and in the affidavit also it states that he was unemployed thereafter. After the



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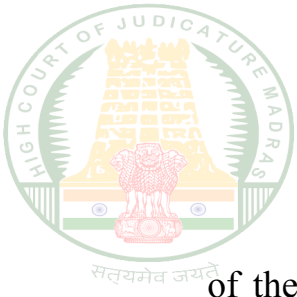
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Management had filed counter affidavit to the application filed seeking for wages under Section 17B of the I.D. Act, the workman had filed a rejoinder affidavit, wherein he had admitted that he was into contract business till the year 2018 and thereafter he had closed it. He had also filed supporting documents to that effect. The learned Single Judge, however, has not taken note of the affidavit filed in rejoinder and had recorded that there was no bonafide in his application. Even otherwise, the relevant period to be taken into consideration of his unemployment would be only from the date on which the Writ Petition is filed and not the date prior to that, which aspect has not been appropriately dealt with in the impugned order.

3.For all the foregoing reasons, the impugned order passed in W.M.P.No.18842 of 2022 in W.P.No.3541 of 2022 is set aside. Consequently, there shall be a direction to the respondent /Management to forthwith pay the appellant's last drawn wages from the date of filing

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

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of the writ petition viz. 08.02.2022 till date, within a period of two (2) weeks from the date of receipt of a copy of this order.

4.In the result, the above Writ Appeal stands allowed. No costs.

Consequently, the connected miscellaneous petition is closed.

[M.S.R, J.] [R.S.V, J.]
13.10.2025

kas

Index: Yes / No
Neutral Citation
Speaking / Non Speaking

To.
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