



WEB COPY



WMP.No.1406 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

WMP.No.1406 of 2025

in

W.P.No.28087 of 2024

N.Balaji

... Petitioner

Vs.

1.The Managing Directorate
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited
Pudukottai Region
51/1, Pillai Thanneer Pandhal
Thirumayam Road
Pudukottai 622 001.

2.The Special Joint Commissioner of Labour
DMS Campus
Anna Salai
Chennai.

...Respondents

Prayer : Writ Miscellaneous Petition filed under Article 226 of the
Constitution of India, to pass an order directing the petitioner/first respondent



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to pay the last drawn wages under Section 17B of the Industrial Disputes Act, 1947 and other allowances from the date of filing the Writ Petition i.e., 19.08.2024 pending disposal of the above Writ Petition in W.P.No.28087 of 2024.

For Petitioner : Mr.N.Desinghu

For Respondents : Mr.Murali Vinoth for R1

Mr.K.Tamil Vendan for R2
Government Advocate

ORDER

This Writ Petition is filed challenging the refusal of the approval petition filed under Section 33 (2) (b) of the Industrial Disputes Act. When the approval has been refused and the management is challenging the same, it goes without saying that as on date the Workman will be entitled to wages under Section 17B of the Industrial Disputes Act 1947.

2. The learned counsel appearing on behalf the Corporation would submit that he will ascertain whether the Workman is gainfully employed or not. The Workman has filed an affidavit before this Court that he



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is not otherwise gainfully employed. The affidavit was served on the management as early as on 19.12.2024.

3. When there is no counter affidavit forthcoming that the Workman is otherwise gainfully employed, the contention of the workman is accepted. Even if the management subsequently comes to know that he is otherwise gainfully employed with appropriate proof, the management can move the petition to reopen this petition. As on date, I hold that the Workman is not otherwise gainfully employed and therefore he is entitled to the last drawn wages. Therefore, the management is directed to pay the last drawn wages from the month of August 2024. The arrears shall be paid within a period of 8 weeks from the date of receipt/production of the website uploaded copy of the order without waiting for the certified copy of the order. The monthly 17B wages shall be paid on or before 5th of every succeeding month and ordered accordingly.

24.01.2025

Neutral Citation : No
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D.BHARATHA CHAKRAVARTHY, J.

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