
(2001) 07 MAD CK 0036
In the Madras High Court
Case No : W.A. No. 967 of 1995

Krishna Ramanujam V.

APPELLANT

Vs

Pandian Roadways Corporation Ltd. and Another

RESPONDENT

Date of Decision : 20-07-2001

Acts Referred:

Industrial Disputes Act, 1947 — Section 17B

Citation : (2001) 91 FLR 605 : (2002) 1 LLJ 109 : (2001) 3 MLJ 350

Hon'ble Judges : P. Sathasivam, J;A. Subbulakshmy, J

Bench : Division Bench

Advocate : D. Saravanan, for the Appellant; Vijay Narayan, for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The appeal is directed against the order of the learned single Judge rejecting the petition u/s 17-B of the Industrial

Disputes Act. The first respondent herein, management has preferred Writ Petition No. 16125 of 1994 challenging the order passed by the

Industrial Tribunal dismissing their approval petition filed u/s 33(2)(b) of the Industrial Disputes Act (hereinafter referred to as "the Act"). The said

writ petition was admitted on October 18, 1994 and interim stay was granted and the appellant/workman filed a petition to vacate the stay and

also another petition u/s 17-B of the Act. After hearing both parties and after ascertaining the back-wages which comes to Rs. 2,04,000, the

learned Judge made the stay absolute subject to the condition that the writ petitioner deposits a sum, of Rs. 2,04,000 within eight weeks from the

date of his order. In the very same order, the learned Judge has directed, on such deposit being made, to invest the said amount in a nationalised

bank and also to pay monthly interest accrued thereon to the workman/appellant

herein.

2. In this appeal, we are concerned with the rejection of his application filed u/s 17-B of the Act. The learned Judge has not assigned any reason

for dismissing the said petition. Admittedly, against the dismissal of the approval petition, the management has preferred the writ petition before this

Court and obtained stay. In such a circumstance, if the management wants to keep the writ petition and interim order to continue necessarily they

have to comply with Section 17-B of the Act. No doubt, as directed, the management has deposited Rs. 2,04,000 towards back-wages and the

appellant/workman was also permitted to draw the monthly interest. In view of the pendency of the writ petition and also of the fact the interim

order staying the operation of the order passed by the Industrial Tribunal is in force, we are of the view that the appellant/workman is entitled to

avail the benefit of Section 17-B of the Act. According to the learned counsel for the workman, from the date of writ petition till date the arrears

comes to Rs. 61,172. No doubt, learned counsel appearing for the first respondent/management, by stating that the writ petition is of the year

1994 and that similar writ petitions are being taken up by this Court for final disposal, requested necessary direction for taking up of the main writ

petition for final disposal, instead of passing any order u/s 17-B. In this regard, learned counsel appearing for the workman has brought to our

notice a recent pronouncement of the Supreme Court reported in Workmen Represented by Hindustan V.O. Corpn. Ltd. Vs. Hindustan

Vegetable Oils Corporation Ltd. and Others, wherein their Lordships have observed that 17-B applications should be disposed of with great

promptitude and before the disposal of the writ petition. If a petition is filed u/s 17-B, it should be disposed of first and expeditiously and the same

cannot be tagged alongwith the main writ petition. Though the writ appeal is kept pending for more than six years, considering the object of

bringing the provision of 17-B under the Statute is to alleviate the hardship of the workman quickly, we hereby direct the first respondent-

management to pay a sum of Rs. 61,172 by way of a demand draft in favour of the appellant herein, namely, V. Krishna Ramanujam within a

period of eight weeks from the date of receipt of a copy of this Order. It is made clear that the said payment is without prejudice to the claim made

in the writ petition. The first respondent/management is further directed to continue to pay the last drawn wages, namely, Rs. 746/- to the workman commencing from the month of August, 2001 on or before 5th of succeeding month till the disposal of the main writ petition. Writ appeal is allowed. No costs.