

W.A.No.3614 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

W.A.No.3614 of 2025
and CMP.No.29816 of 2025

The Tamil Nadu State Transport
Corporation (VPM) Ltd.,
Rep. by its General Manager,
Mr.S.Natarajan,
S/o.Sengodar,
Vellore Region, Vellore.

... Appellant

Vs.

1.A.Ashok Kumar,
(Ex.Conductor, PR.No.9598),
Vasantham Nagar, Konavattam,
Vellore District-13.

2.The Special Deputy Commissioner of Labour,
DMS Compound,
Chennai.

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent,
praying to set aside the order in WMP.No.10444 of 2023 in WP.No.7300
of 2022 dated 21.06.2024.



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For Appellant : Ms.S.Pavithra

For Respondents : Mr.R.Varadharajulu (for R1)

Mr.R.Kumaravel,
Additional Government Pleader (for R2)

JUDGMENT

(Judgment of this Court was delivered by M.S.RAMESH, J)

As against the interim order dated 21.06.2024 passed in WMP.No.10444 of 2023 in WP.No.7300 of 2022, directing the appellant Management to pay the conductor/first respondent, his last drawn wages under Section 17(B) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act'), the present Writ Appeal has been filed.

2. In the affidavit filed in support of the above application before the Writ Court, the workman had specifically stated that after the rejection of the Approval Petition under Section 33(2)(b) of the Act, he is deemed to have continued in service. After the denial of appointment, he had specifically averred that he was not gainfully employed elsewhere and that his last drawn wages was Rs.9,963/-. The appellant Management



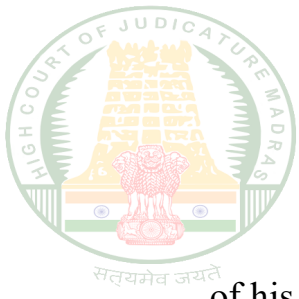
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have not filed their counter-affidavit in the miscellaneous petition, either denying his claim of not being gainfully employed nor about his last drawn wages. Having failed to do so, it would now not be open to the Management to challenge the order.

3. The Constitutional Courts have been consistently reiterating that a liberal interpretation should be given to Section 17B of the Act, for the purpose of giving effect to the beneficial object, which it seeks to achieve and since the disapproval of the Authority on a petition filed under Section 33(2)(b) of the Act would make the order of dismissal *void ab initio* and the concerned workman is deemed to have continued in service and therefore, he would not only be entitled for all the arrears of wages and other benefits but also to his last drawn salary under Section 17B of the Act.

4. In our considered view, the very filing of the appeal, without contesting the miscellaneous petition, is an abuse of process of law and therefore, the first respondent would be entitled for interest on the arrears



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of his last drawn wages under Section 17B of the Act.

5. Accordingly, the Writ Appeal stands dismissed with a direction to the appellant Management, to forthwith pay the entire arrears of the last drawn wages of the first respondent, under Section 17B of the Industrial Disputes Act, 1947, along with 6% interest, within a period of two (2) weeks from the date of receipt of a copy of this order. No Costs. Connected miscellaneous petition is closed.

[M.S.R., J]

[R.S.V.,J]

28.11.2025

Index: Yes
Speaking order
Internet: Yes
Neutral Citation: Yes

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To

The Special Deputy Commissioner of Labour,
DMS Compound,
Chennai.



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

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