

12.12.2023
Court No.13
Item No. 2(SL)
pk

**WPA 18575 of 2022
CAN 1 of 2023**

**M/s. Kesoram Industries Limited
Vs.
Sukhdham Pandey and another**

Mr. Sandip Kundu

... for the petitioner.

Mr. Samim Ahammed,
Mr. Arka Maiti,
Mr. Arinuddha Singh
Ms. Danish Abbasi

... for the respondents.

1. The bona fides as expected in the order dated 07.12.2023 have not been shown. There is a dispute between the parties as to what was the last drawn wages, of the petitioner.

2. The respondent/workman claims that since the Kesoram Industries Limited has paid him P.F. for the year 2001-2002, his last drawn scale as on 2008 i.e. the date of refusal of employment should be taken for the orders under Section 17B of the Industrial Disputes Act, 1947.

3. Counsel for the writ petitioner, however, submits that the last drawn wages of the petitioner should be Rs.3625/- as on March, 2000.

4. The petitioner shall be paid all the arrears as per the rate indicated by the Management in its affidavit in opposition dated 11.12.2023 together with all the arrears

from the date of award (29.03.2022) till date mandatorily and positively by 18.12.2023.

5. In default of payment, the writ petition shall stand automatically dismissed and the award shall become executable. If payment is infact made. It shall be strictly without prejudice to the respective rights and contentions of the parties to the proceedings.

6. List the matter on 18.12.2023 under the heading 'Hearing'.

7. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)