

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 24.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.(MD)Nos.5838 to 5840 of 2014

and

5920 and 5921 of 2014

WEB COPY

A.Soosai Manickam	.. Petitioner in W.P(MD) No.5838/2014
L.Sandhanam	.. Petitioner in W.P(MD) No.5839/2014
A.Santhana Raj	.. Petitioner in W.P(MD) No.5840/2014
V.Sethu	.. Petitioner in W.P(MD) No.5920/2014
D.Paulmuthusamy	.. Petitioner in W.P(MD) No.5921/2014

Vs.

1.The District Collector,
Madurai District, Madurai.

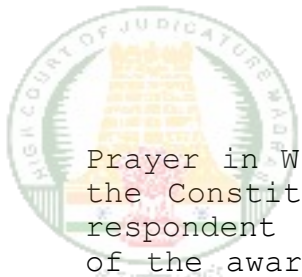
2.The Ratnakar Bank Limited
rep. by its General Manager,
One India Bulls Centre,
Tower 2, 6th Floor,
841, Senapati Bapat Marg
Lower Parel (West)
Mumbai-400 013.

3.M/s.Sheela Rani Textiles
rep. by its Managing Director,
R.John Sundarapandian
Thenur, Samayanallur, Madurai District.

4. The Official Liquidator
(Attached to High Court of
Madras)
Block No.1, 1st Floor,
Esplanade, Chennai-600 108.
(R4 is impleaded as per order
dated 18.7.2014 in MP(MD)No.1 of 2014) .. Respondents in all W.Ps.

Prayer in W.P.(MD)No.5838 of 2014: Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the 2nd respondent bank to consider the petitioner's claim of gratuity in view of the award of the Assistant Commissioner of Labour, Madurai passed in P.G.No.47 of 2004 dated 24.2.2005 against the 3rd respondent and pay appropriate amounts from the said mill's Assets by considering his representation dated 8.3.2014 within the period stipulated by this Hon'ble Court.

Prayer in W.P.(MD)No.5839 of 2014: Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the 2nd respondent bank to consider the petitioner's claim of gratuity in view of the award of the Assistant Commissioner of Labour, Madurai passed in P.G.No.37 of 2004 dated 24.2.2005 against the 3rd respondent and pay appropriate amounts from the said mill's Assets by considering his representation dated 5.3.2014 within the period stipulated by this Hon'ble Court.



Prayer in W.P.(MD)No.5840 of 2014: Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the 2nd respondent bank to consider the petitioner's claim of gratuity in view of the award of the Assistant Commissioner of Labour, Madurai passed in P.G.No.42 of 2004 dated 24.2.2005 against the 3rd respondent and pay appropriate amounts from the said mill's Assets by considering his representation dated 26.02.2014.

Prayer in W.P.(MD)No.5920 of 2014: Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the 2nd respondent bank to consider the petitioner's claim of gratuity in view of the award of the Assistant Commissioner of Labour, Madurai passed in P.G.No.53 of 2007 dated 28.5.2007 against the 3rd respondent and pay appropriate amounts from the said mill's Assets by considering his representation dated 21.3.2014 within the period stipulated by this Hon'ble Court.

Prayer in W.P.(MD)No.5921 of 2014: Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the 2nd respondent bank to consider the petitioner's claim of gratuity in view of the award of the Assistant Commissioner of Labour, Madurai passed in P.G.No.72 of 1999 dated 24.4.2000 against the 3rd respondent and pay appropriate amounts from the said mill's Assets by considering his representation dated 19.2.2014.

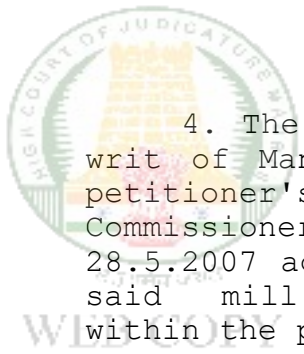
For Petitioners : Mr.A.Haja Mohideen in all WPs
For respondents : Mr.R.Velmurugan
in all WPs Government Advocate for R1 and R4
Mr.B.Murugan for R2

COMMON ORDER

The petitioner in W.P.(MD)No.5838 of 2014 has prayed to issue a writ of Mandamus to direct the 2nd respondent bank to consider the petitioner's claim of gratuity in view of the award of the Assistant Commissioner of Labour, Madurai passed in P.G.No.47 of 2004 dated 24.2.2005 against the 3rd respondent and pay appropriate amounts from the said mill's Assets by considering his representation dated 8.3.2014 within the period stipulated by this Hon'ble Court.

2. The petitioner in W.P.(MD)No.5839 of 2014 has prayed to to issue a writ of Mandamus to direct the 2nd respondent bank to consider the petitioner's claim of gratuity in view of the award of the Assistant Commissioner of Labour, Madurai passed in P.G.No.37 of 2004 dated 24.2.2005 against the 3rd respondent and pay appropriate amounts from the said mill's Assets by considering his representation dated 5.3.2014 within the period stipulated by this Hon'ble Court.

3. The petitioner in W.P.(MD)No.5840 of 2014 has prayed to issue a writ of Mandamus to direct the 2nd respondent bank to consider the petitioner's claim of gratuity in view of the award of the Assistant Commissioner of Labour, Madurai passed in P.G.No.42 of 2004 dated 24.2.2005 against the 3rd respondent and pay appropriate amounts from the said mill's Assets by considering his representation dated 26.02.2014.



4. The petitioner in W.P.(MD)No.5920 of 2014 has prayed to issue a writ of Mandamus to direct the 2nd respondent bank to consider the petitioner's claim of gratuity in view of the award of the Assistant Commissioner of Labour, Madurai passed in P.G.No.53 of 2007 dated 28.5.2007 against the 3rd respondent and pay appropriate amounts from the said mill's Assets by considering his representation dated 21.3.2014 within the period stipulated by this Hon'ble Court.

5. The petitioner in W.P.(MD)No.5921 of 2014 has prayed to issue a writ of Mandamus to direct the 2nd respondent bank to consider the petitioner's claim of gratuity in view of the award of the Assistant Commissioner of Labour, Madurai passed in P.G.No.72 of 1999 dated 24.4.2000 against the 3rd respondent and pay appropriate amounts from the said mill's Assets by considering his representation dated 19.2.2014.

6. Mr.R.Velmurugan, learned Government Advocate takes notice for the respondents 1 and 4.

7. The learned counsel appearing for the petitioners submitted that it would suffice if the 2nd respondent is directed to consider the representation of the petitioners.

8. Considering the submissions made by the learned counsel for the petitioners and without expressing any opinion on the merits of the matter, I direct the 2nd respondent to pass orders on the representation of the petitioners, on merits and in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order, after giving prior notice to the petitioners. The petitioners are directed to send a copy of the representation already sent along with the copy this order to the 2nd respondent. The writ petitions are disposed of with the above direction. No costs.

Sd/-

vks

Assistant Registrar(AS) [24.02.2015]

These matters have been filed on 24th day of April 2015 for being mentioned pursuant to the order of this Court dated 24.02.2015 and made herein in the presence of the counsel on either side the Court made the following orders:

At the instance of the learned counsel for the petitioner, these matters are posted under the caption "for being mentioned".

2.It is represented by the learned counsel for the petitioners that the matter is pending before the Official Liquidator/4th respondent and this Court may direct them to consider the representations made by the petitioners.

3.On going through the papers, the petitioners have not made any representations before the fourth respondent or any application under Section 66 as contemplated under the provisions of the Companies Act. In view of that, I find no reason to modify the order dated 24.02.2015.

srm

sd/-

Assistant Registrar[CO]

/True copy/



To

1.The District Collector,Madurai District,Madurai.

2.The Official Liquidator
(Attached to High Court of Madras).
Block-1, 1st Floor,Esplanade,Chennai-600 108.

+1CC TO MR.A.HAJAMOHIDEEN,ADVOCATE SR NO.8511

+2CC TO SPECIAL GOVERNMENT PLEADER IN SR NOS.8997 & 9020

W.P.(MD)Nos.5838 to 5840 of 2014
and
5920 and 5921 of 2014
24.02.2015
Dated:24.04.2015

rg.19.03.2015 2p/6C

rpb 13.07.2015