

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.A. Nos.498 and 499 of 2006
and W.A.M.P.Nos.1027 to 1030 of 2006
& 219 and 220 of 2007

Hindustan Photo Films Manufacturing
Company Ltd., Rep. by its Manager
(Personnel), Indu Nagar,
Ootacamund 643 005. ... Appellant/Petitioner
in both WAs.

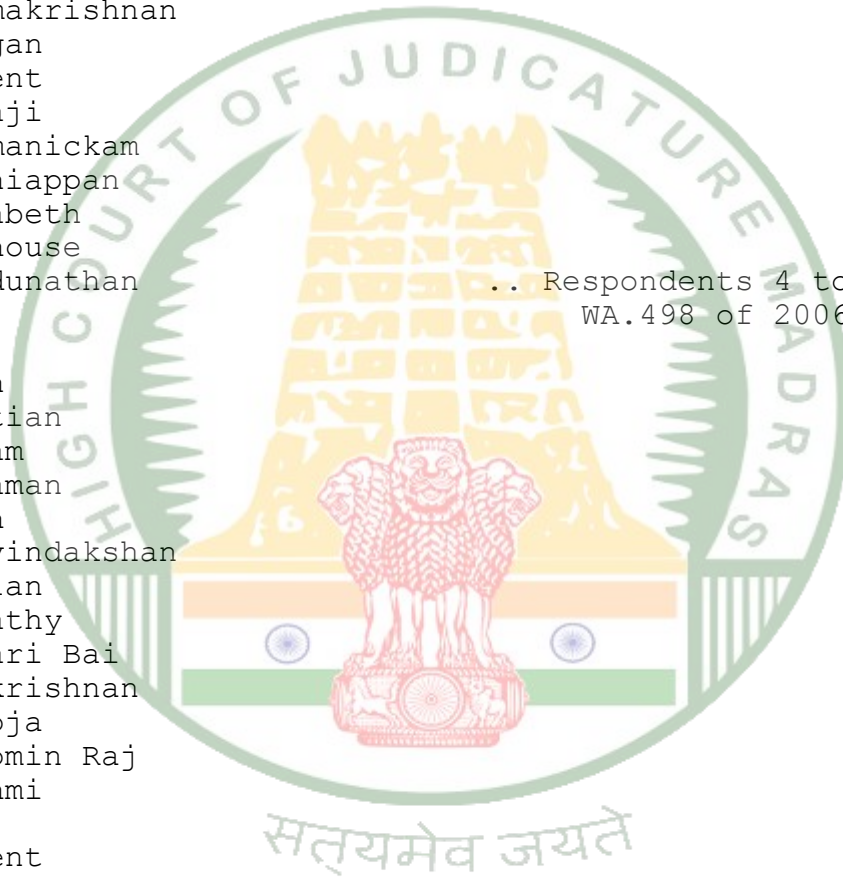
-vs-

- 1.The Regional Labour Commissioner
(Central), Chennai 600 001.,
The Appellate Authority under the
the Payment of Gratuity Act, 1972.
- 2.The Assistant Labour Commissioner
(Central), Controlling Authority under
the Payment of Gratuity Act, 1972.
- 3.HPF VRS Employees and Officers
Welfare Association, rep. by the
General Secretary, Lakshmi Woodworks,
Ettines Road, Green Fields,
Ootacamund 643 005. .. Respondents/Respondents 1
to 3 in both WAs.
- 4.J.Antony
- 5.K.Rajamanickam
- 6.A.Ghouse
- 7.Abdul Khaligh
- 8.C.Patrick
- 9.B.Sreekantan
- 10.R.John Bosco
- 11.AG Nazeer Ahamed
- 12.A.Mohammed Buran
- 13.Feebi Kamala
- 14.J.C.Jeyaraj
- 15.J.Jesudass

16.T.Dorairaj
17.S.Maria Louis
18.M.Mohan
19.Charles John Aseer
20.K.Indra Leela
21.V.Mookan
22.Y.J.Jacob
23.J.Mary Philomina
24.G.Dharmalingam
25.D.Manickam
26.G.N.Raju
27.JRL Biber
28.H.B.Ramakrishnan
29.M.Murugan
30.A.Vincent
31.H.Shivaji
32.R.Rajamanickam
33.R.Palaniappan
34.A.Elizabeth
35.S.Md.Ghouse
36.A.Lourdunathan

... Respondents 4 to 36 in
WA.498 of 2006

4.J.Subban
5.S.Sebastian
6.V.Rajaram
7.K.Sivaraman
8.M.Siviah
9.V.K.Aravindakshan
10.R.Gopalan
11.K.Parvathy
12.M.Sundari Bai
13.M.Balakrishnan
14.SP.Saroja
15.A.Philomin Raj
16.M.Lakshmi
17.R.Raju
18.A.Vincent
19.G.Mahalingam
20.M.J.Thimme Gowda
21.A.Jesudass
22.C.Franklin
23.KPB Banu
24.S.Murugan
25.T.Rangan
26.K.P.Kochammany
27.C.Saraswathi
28.S.Krishnan
29.K.J.Mathias
30.A.Subramani
31.R.Kandaswamy
32.P.George
33.L.Padmanabhan



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34.A.Ponnusamy
35.A.M.Rafiudeen
36.S.Xavier
37.K.Varadarajan
38.G.Chenni
39.D.Frances Regis
40.V.Subramani
41.T.Puttusamy
42.J.Bheeman
43.V.Venkataraman
44.K.Lakshmanan
45.T.V.Jayaprakasam
46.K.M.Madiyan
47.K.Kaliyana Sundaram
48.M.Prabakaran
49.M.Naneejohn
50.K.Subramani
51.P.A.Hiruthayasamy
52.K.Susila
53.A.T.Lingam
54.S.Gracy
55.T.V.Padmanabhan
56.V.Ramraj
57.B.Raman
58.A.Velu
59.A.L.Jayameri
60.N.Krishnan
61.M.Vincent
62.C.Rajagopal
63.S.Alphonse
64.I.Kadarkutty
65.R.Pettayan
66.K.Jayammal
67.G.Mahitha
68.P.Govindankutty
69.N.Raju

... Respondents 4 to 69
in WA.499/2006

Appeals filed under Clause 15 of the Letters Patent against the common order of this Court dated 21.03.2006 passed in W.P.Nos.7938 and 7939 of 2004.

Petitions under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the orders respectively dated 30.7.2003 and 22.8.2003 made in P.G.Appeal Nos.138 to 173/2003 and 174 to 240/2003 received by the petitioner on 27.11.2003 and 18.9.2003 on the files of the 1st respondent, quash the same and consequently direct the second respondent to refund the amounts of Rs.2,42,563/- and Rs.7,41,824/- deposited by the petitioner.

For Appellant : Mrs.Rita Chandrasekar for
M/s.Aiyar & Dolia.

For Respondents : Mr.V.G.Rajagopalan for R-3
: No appearance for others.

* * * * *

COMMON JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief
Justice)

Learned counsel for the appellant-company fairly states that the current factual and legal position would not entitle the appellant to press the appeals, but she expresses her concern that there is still outflow from the appellant even though a winding up petition is pending from 2003 before the learned Single Judge and the Government has taken a decision to wind up the appellant-company, as no manufacturing activity is going on for the last four years.

2.We, thus, dismiss the appeals as withdrawn and simultaneously direct that the Company Petition No.114 of 2003 be placed before the learned Single Judge on 12.07.2016, as in the absence of manufacturing activity and a decision being taken to wind up the appellant, there is no finality to the issue resulting in outflows on account of salary.

3.We are also informed that certain employees have filed writ petitions not to compel them to move on Voluntary Retirement Scheme, in which interim orders have been granted, being W.P.Nos.24355, 24460, 25491 of 2013, 18609, 18788, 18789, 18610, 18608 and 18566 of 2015 and Contempt Petn. No.2414 of 2013. These petitions be also posted before the same learned Single Judge handling the Company Petition roster.

4.Writ appeals are dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition stand dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sra

To

1.The Regional Labour Commissioner
(Central), Chennai 600 001.,
The Appellate Authority under the
the Payment of Gratuity Act, 1972.

2.The Assistant Labour Commissioner
(Central), Controlling Authority under
the Payment of Gratuity Act, 1972.

Copy to 1] The Section officer, Writ Section, High Court, Madras.
[for posting WPs].

2] The Sub Assistant Registrar, Contempt Section,
High Court, Madras.

W.A.Nos.498 and 499 of 2006

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