

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.38090 of 2004
W.M.P.Nos.45619 & 45620 of 2004

Best & Crompton Engineering (Group)
Employees Union, Regn.No.3329,
Represented by its General Secretary
Plot NO.39, SIDCO Industrial Estate (North),
Ambattur
Chennai 600 098. ... Petitioner

Vs.

1. The Government of Tamil Nadu
rep.by its Secretary,
Labour & Employment Department,
Fort St.George,
Chennai 600 009.
2. The Assistant Commissioner of Labour,
(Conciliation)-2,
Kuralagam,
Chennai 600 108.
3. Best & Crompton Engineering Limited,
Rep.by its Chief Executive Officer,
Plot No.39, SIDCO Industrial Estate (North),
Ambattur,
Chennai 600 098. ... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Declaration, declaring that the closure of the Busduct and Switchgear Division by the 3rd respondent under its notice dated 13.09.2004 is illegal and to consequently direct the 3rd respondent to pay full wages and all other dues from 13.11.2004, i.e., the date of closure, to all the workmen of Busduct & Switchgear Division of the 3rd respondent.

For Petitioner : Mr.K.Elango

For Respondents : Mr.J.Ramesh
Additional Government Pleader
for RR1 & 2.
Mr.Karthick Seshadri
for R3.

O R D E R

The relief sought for in the present writ petition is to declare that the closure of the Busduct and Switchgear Division by the third respondent under its notice dated 13.09.2004 is illegal and to consequently direct the 3rd respondent to pay full wages and all other dues from 13.11.2004, i.e., the date of closure, to all the workmen of Busduct & Switchgear Division of the 3rd respondent.

2. The learned counsel for the 3rd respondent company brought to the notice of this Court that the Company itself was closed during the year 2006 and a liquidator was appointed. In this regard, this Court has also passed an order in Company Petition No.63 of 2013, dated 27.07.2016.

3. In view of the fact that the company is not in existence for the past thirteen years and the relief as such sought for in the present writ petition is to declare that the closure of the Busduct and Switchgear Division by the third respondent under its notice dated 13.09.2004 is illegal and the cause arise do not exist as of now. Therefore, no further adjudication needs to be entertained in respect of the grounds raised in the present writ petition. However, it is left open to the writ petitioner to approach the competent authority, if any other grievances exist as of now.

4. Accordingly, the writ petition stands disposed of as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

ssb

To

1. The Government of Tamil Nadu
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Labour & Employment Department,
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(Conciliation)-2,
Kuralagam,
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3. Best & Crompton Engineering Limited,
Rep.by its Chief Executive Officer,
Plot No.39, SIDCO Industrial Estate (North),
Ambattur,
Chennai 600 098.

+1 CC to Govt. Pleader sr 81900.

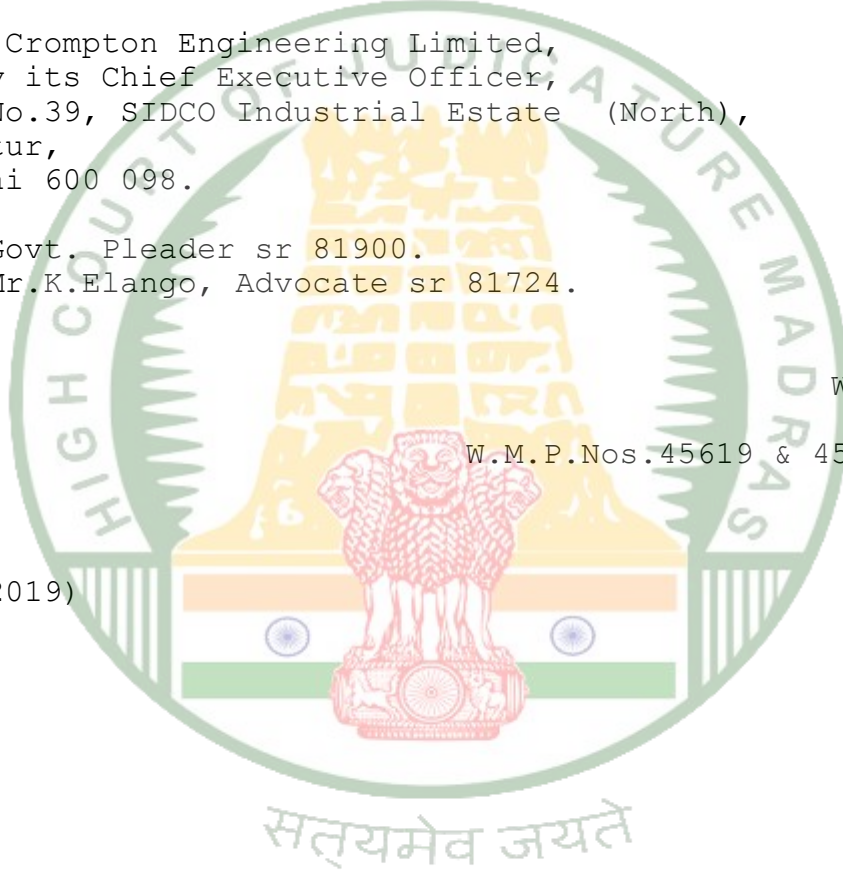
+1 CC to Mr.K.Elango, Advocate sr 81724.

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SVI(CO)
SP(05/11/2019)



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