

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.10.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.34009 of 2005

National Textile Workers' Union,
Rep.by its Secretary, Regn.No.1454/CBE 1848,
Trichy Road, Ramanathapuram,
Coimbatore - 641 045.

... Petitioner

..Vs..

1.Employees Provident Fund Organisation,
Rep.by its Regional Provident Fund Commissioner,
Ministry of Labour, Government of India,
Sub-Regional Office, Bhavishyanithi Bhavan,
P.B.No.3839, Dr.Balasundaram Road,
Coimbatore - 18.

2.The Recovery Officer,
Employees Provident Fund Organisation,
Sub-Regional Office, Bhavishyanithi Bhavan,
P.B.No.3839, Dr.Balasundaram Road,
Coimbatore - 18.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Declaration that the action of the first and second respondents in issuing Tender Notice dated 05.10.2005 published in the Tamil Daily "Dinamalar", Coimbatore Edition, dated 13.10.2005 and auctioning the property of Kongrar Textiles Limited, Krishnapuram PO, Udumalpet - 642 111, and thereby take the proceeds of the auction towards its dues by the Kongrar Textiles Limited, Udumalpet and handing over the machineries to the third parties is illegal, contrary under Section 22 of the Sick Industrial Companies (Special Provision) Act 1985, Section 529A of the Companies Act 1956 as illegal and unconstitutional, violative of Article 21 and 300A of the Constitution of India and consequently direct the respondents 1 and 2 to claim the dues in priority to all other debts after the settlement of claim of the workmen, in case of winding up order by the Company Court in CP No.116/04.

For Petitioner : Mr.S.P.Srinivasan

For Respondents : Mr.V.Vibishanan

O R D E R

The tender notice dated 05.10.2005, is under challenge in the present writ petition. On account of efflux of time, specifically for more than 14 years, the cause aroused for filing of the present writ petition did not exist. However, if any other grievances exist for the writ petitioner Union, it is left open to them to redress the same in the manner known to law.

2. This being the factum of the case, the present writ petition stands closed. No costs. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Ministry of Labour, Government of India,
Sub-Regional Office, Bhavishyanithi Bhavan,
P.B.No.3839, Dr.Balasundaram Road,
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- 2.The Recovery Officer,
Employees Provident Fund Organisation,
Sub-Regional Office, Bhavishyanithi Bhavan,
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सत्यमेव जयते

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GN(12/11/2019)

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