



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.22882 of 2019

and

W.M.P. (MD) Nos.19623 and 19624 of 2019

WEB COPY

Cethar Vessels Workers Union,
Pudukkottai, Represented by its President,
M.Ziauddin,
No.8, Iyyanar 3rd Street,
Pudukkottai.

... Petitioner

-Vs-

1.Government of Tamil Nadu,
By its Secretary,
Labour and Employment Department,
Secretariat, Chennai.

2.The Joint Director,
Industrial Security and Health,
Thanjavur.

3.The Cethar Limited,
No.4, Dindigul Road,
Tiruchirappalli, By its Managing Director.

... Respondents

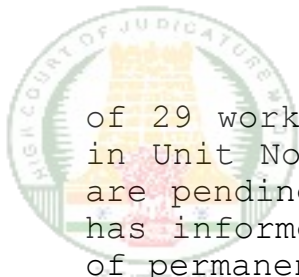
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent letter No.A/3350/2019, dated 22.04.2019 and quash the same as illegal and to direct the second respondent to proceed with the application submitted by the petitioner's union for the conferment of permanent status and pass suitable orders in accordance with law.

For Petitioner : Mr.S.Muthukrishnan
For R1 : Mr.C.M.Mari Chellaiah Prabhu,
Additional Government Pleader.

ORDER

The letter of the second respondent dated 22.04.2019 is sought to be quashed in the present Writ Petition and a direction is sought for to direct the second respondent to proceed with the application submitted by the petitioner's union for the conferment of permanent status and pass suitable orders in accordance with law.

2.According to the petitioner, the petitioner union filed petitions before the second respondent for conferment of permanency



of 29 workers in Unit No.1, 13 workers in Unit No.4 and 18 workers in Unit No.7 of the third respondent Company. While the petitions are pending, the second respondent, by his letter dated 22.04.2019, has informed the petitioner union that the petitions for conferment of permanent status to the workers in the Unit Nos.1, 4 and 7 cannot be considered, in view of the order dated 19.07.2017 made in CP/511/(IB)-2017 by the National Law Tribunal Division Bench, Chennai. Challenging the same, the petitioner union has come out with the present Writ Petition.

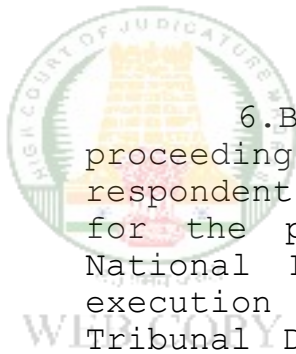
3.The learned counsel appearing for the petitioner contended that the order passed by the National Law Tribunal Division Bench, Chennai, will not prohibit the second respondent from considering the claim of the petitioner union for permanency of its members. The order of the National Law Tribunal Division Bench, Chennai, is very clear that any proceedings against the corporate debtor / third respondent for the execution of any money decrees or any other decree or award. He further contended that the petitions submitted by the petitioner union is purely for conferment of permanent status of the workers, pending before the second respondent and prayed for allowing the Writ Petition.

4.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and perused the materials available on record carefully.

5.From the materials on record, it is seen that the units of the third respondent are closed from the year 2015 onwards. The relevant portion of the order dated 19.07.2017 passed by the National Law Tribunal Division Bench, Chennai, is extracted hereunder:-

"4.The Registry is also directed to inform the name and address details of the interim Insolvency Resolution Professional to the Operational Creditors and the Corporate Debtors in this matter and in connected matters i.e., CP/512/(IB)/2017 and CP/513/(IB)/2017. The details of Interim Insolvency Resolution Professional are as follows:-

*Mr.Venkataramanarao Nagarajan,
Regn.No.(IBBI/IPA-002/IP-N00055/2016-17/10107)
New No.29, Kavarai Street,
West Mambalam,
Chennai-600 033
Tamil nadu
Email: csnagarajan@gmail.com
Mobile No.9940111058."*



6.By this order, any proceedings including execution of proceedings are prohibited to be proceeded with against the third respondent. Interpretation given by the learned counsel appearing for the petitioner that proceedings mentioned in the order of National Law Tribunal Division Bench, Chennai, relates only to execution of money decree, is not correct. The National Law Tribunal Division Bench, Chennai, has prohibited the proceedings, including the execution of money decree. In view of the prohibition of proceedings against the third respondent, the second respondent has rightly informed the petitioner that the petitions for conferment of permanent status cannot be considered. Hence, there is no error in the letter of the second respondent dated 22.04.2019, warranting interference by this Court.

7.For the above reasons, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

The Secretary,
Government of Tamil Nadu,
Labour and Employment Department,
Secretariat, Chennai.

+1 CC to SPL GP SR-95488.

+1 CC to M/s.S.MUTHU KRISHNAN, Advocate SR-95356.

W.P. (MD) No.22882 of 2019

31.10.2019

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