



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Twenty Second day of April Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE M.S.RAMESH

WMP.NO.10083 OF 2022

IN WP.NO.19754 OF 2013

THE PRESIDENT/SECRETARY,
P.L.HAULWEL TRAILERS UNION,
(AFFILIATED TO AICCTU), 16/3,
3RD CROSS STREET, CHITTANKUDI,
PUDUCHERRY-9. [PETITIONER]

Vs

1 THE MANAGEMENT OF
P.L.HAULWEL TRAILERS LTD,
NOW KNOWN AS AUTOMOTIVE COACHES AND
COMPONENTS LTD, PUDUCHERRY. [RESPONDENTS]

2 THE PRESIDING OFFICER,
LABOUR COURT (II ADDITIONAL),
PUDUCHERRY.

3 THE OFFICIAL LIQUIDATOR,
MR.SUBRATA MAITY, AUTOMATIVE COACHES AND
COMPONENTS LTD. GREENSCAPE ROYAL CHS LTD.,
SHOP NOS.26 AND 29, PLOT NO.25, SECTOR 07,
KAMOTHE, NAVI MUMBAI - 410 209.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modify the common order dated 25/06/2014 in MP.Nos.2 of 2013 and MP.Nos.1 and 2 of 2014 in WP.No.19754 of 2013 by permitting the petitioner union to withdraw the amount deposited by the writ petitioner to the credit of I.D.No.11 of 1999 on the file of the II Additional Labour Court, Puducherry together with accrued interests and further permit the petitioner union to make claims on the basis of the award dated 23/02/2013 passed by the II Additional Labour Court, Puducherry in I.D.No.11 of 1999 with a direction to the Liquidator to consider the said claims on the basis of the provisions of the Insolvency and bankruptcy Code (WMP.NO.10083/2022) pending the disposal of the above mentioned WP.NO.19754/2013.



Order : This Miscellaneous petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.RAMAPRIYA GOPALAKRISHNAN, Advocate for the petitioner, the court made the following order:-

Challenging the Award passed in I.D.No.11 of 1999 dated 23.02.2012 on the file of the II Additional Labour Court, Puducherry, whereby, reinstatement of the members of the second respondent/Union, together with 25% of the back wages was ordered, the petitioner has preferred the Writ Petition in W.P.No.19754 of 2013.

2. By an order dated 22.07.2013 passed in M.P.No.2 of 2013, this Court had granted an interim stay, subject to the condition that the Management deposits 25% of the Award amount before the second respondent herein. Accordingly, the Management had also deposited 25% of the back wages of 25% awarded by the Labour Court.

3. It is now brought to the notice of this Court that the first respondent/Management was liquidated and the third respondent has been appointed as a Liquidator.

4. The petitioner/Union has now filed a present miscellaneous petition in W.M.P.No.10083 of 2022, seeking for withdrawal of the amount deposited by the first respondent/Management and a permission to make claims based on the aforesaid Award of the Labour Court.

5. The learned counsel appearing for the third respondent/Liquidator submitted that since no claim application has been filed before them seeking for withdrawal of the amount lying under the Labour Court, such a request cannot be considered.

6. Insofar as the amount ordered in the Award is concerned, in case the workers of the petitioner/Union succeed, they would be entitled for the entire amount without reference to the liquidation proceedings, since the same arises out of an Award of the Labour Court and the deposit was made to secure the Award for the benefit of the members of the Trade Union. Even otherwise, what has been deposited before the Labour Court is only 25% of the back wages of 25% and still 75% of the remaining amount requires to be adjudicated by the Liquidator.

7. This Court in its earlier order dated 25.06.2014, while making the order of interim stay absolute, had directed the first respondent/Management to pay a sum of Rs.2,500/- per month to each of the members of the petitioner/Union, who are covered under the impugned Award. The Management had also been paying the said sum of Rs.2,500/- to the workmen till the Company was liquidated.



8. In view of the change in circumstances by which the members have now been deprived of the monthly sum of Rs.2,500/- owing to the liquidation, this Court is of the view that they could be compensated by ordering the present miscellaneous petition, thereby enabling them to withdraw the amount lying before the Labour Court.

9. Accordingly, the petitioner/Union is granted permission to withdraw the amount deposited by the first respondent/Management to the credit of I.D.No.11 of 1999 on the file of the II Additional Labour Court, Puducherry, together with accrued interests, by filing an appropriate application. The petitioner/Union is also granted liberty to make claims for the remaining amount under the Award dated 23.02.2012 passed in I.D.No.11 of 1999 before the Liquidator, within a period of four weeks from the date of receipt of a copy of this order and on receipt of such claims, the Liquidator shall adjudicate the same and pass final orders, without reference to the pendency of the present Writ Petition.

10. With the above directions, the miscellaneous petition in W.M.P.No.10083 of 2022 in W.P.No.19754 of 2013, stands allowed. Post the Writ Petition for further hearing on **04.07.2022**.

-sd/-

22/04/2022

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE PRESIDING OFFICER,
II ADDITIONAL LABOUR COURT,
PUDUCHERRY.

+2 C.C. to M/S.RAMAPRIYA GOPALAKRISHNAN, Advocate SR.NO.3167/2022

C.C. to M/S.K.R.HARIHARAN, Advocate SR.NO.3199/2022

Order

in

WMP.NO.10083 OF 2022

IN WP.NO.19754 OF 2013

Date :22/04/2022

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PM(13/05/2022)

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