



W.P.(MD)No.18530 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.18530 of 2013

and

M.P.(MD)No.1 of 2013

Arooran Sugars Limited,
represented by its Executive Director,
Thirumadankudi P.O.,
Papanasam (TK),
Thanjavur District.

... Petitioner

vs.

1.Presiding Officer,
Labour Court, Cuddalore.

2.Arooran Sugar National General
Workers Union (INTUC),
Thirumandakudi – 612 301,
represented by its Secretary,
Papanasam (TK),
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records connected with I.D.No.55 of 1999 and award, dated 18.09.2013, passed therein by the 1st respondent, ie., The Presiding Officer, Labour Court, Cuddalore and to quash the same.



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For Petitioner : Mr.C.Muthu Saravanan
for M/s.Ramasubramaniam and Associates
For R1 : Court
For R2 : No appearance

ORDER

This writ petition is filed for issuance of a writ of Certiorari, to call for the records connected with I.D.No.55 of 1999 and award, dated 18.09.2013, passed therein by the 1st respondent, ie., The Presiding Officer, Labour Court, Cuddalore and to quash the same.

2.The learned Counsel appearing for the petitioner submitted that the company namely, Arooran Sugars Limited, is under liquidation. The Official Liquidator namely, G.Rajagopal, son of Govindarajan, has also issued notice to the respondents, especially to the 2nd respondent, namely Arooran Sugars National General Workers Union (INTUC). In spite of notice, the respondents have not appeared before this Court.

3.The claim of the Union is to increase the basic pay to the tune of Rs.



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200/- . The Labour Court has granted the same. This writ petition is filed in the year 2013.

4.Pending the writ petition, the company went into liquidation. At this juncture, the basic pay cannot be adjudicated. The claim has to be placed before the Official Liquidator.

5.The Official Liquidator shall consider the claim of the Union as per the provisions of law and also take note of the fact that the Company is under liquidation. If there is availability of funds, the employees may claim under pro-rata basis. Therefore, the 2nd respondent is at liberty to approach the Official Liquidator. The impugned order passed by the Labour Court will become non-est after appointment of Official Liquidator.

6.With the above said observation , the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
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To

Presiding Officer,
Labour Court, Cuddalore.



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S.SRIMATHY, J

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

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