



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.01.2022
CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD) No.22878 of 2021
and
WMP (MD) No.19355 of 2021

M.Mohan Raj

... Petitioner

vs.

1) The District Collector,
The Collectorate,
At Nagercoil,
Kanyakumari District
Tamilnadu State.

2) National Company Law Tribunal,
Represented by Assistant Registrar,
Company Law Bhavan, BFC Road,
Thrikkakara, Kakkanad, Kochi,
Kerala State-682021.

3) Mr.K.Parameswaran Nair,
Resolution Professional,
M/s.Sree Bhadra Parks & Resorts Ltd,, (under CIRP)
37/1736E, Kripasagaram, K.Murali Road,
Kadavanthara, Ernakulam,
Kerala State -682020.

4) K.N.Narayanan Namboothirippad,
Managing Director,
M/s.Sree Bhadra Parks & Resorts Ltd.,
Baywatch,
Kanyakumari
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, seeking direction to the 2nd and 3rd respondents to direct the creditors of the Company to contribute settle salary dues and other Government dues of petitioner before taking the decision of liquidating the Company M/s.Sree Bhadra Parks & Resorts Ltd.

For Petitioner : Mr.A.Joseph Jerry
For R1 : Mr.S.R.A.Ramachandran
Additional Government Pleader



ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The petitioner has been working as Office Assistant in M/s.Sree Bhadra Parks & Resorts Ltd., Thrissur, from 2002. One M/s.Sri Ramani Resorts & Hotels Pvt Ltd., filed an application before the National Company Law Tribunal, the 2nd respondent, to settle the Corporate Insolvency Resolution Process against the employer of the petitioner, on the ground of default in making payment of more than Rs.4.25 Crores. The 3rd respondent herein has been appointed as Interim Resolution Professional to carry out the functions mentioned under the Insolvency and Bankruptcy Code.

2. The petitioner's only grievance is that for him and another 70 employees rightful salary dues were not given. Even the ESI dues are outstanding, because of which, they are even denied access to ESI Hospital facilities. It is contended that no notice of closure, retrenchment or compensation or layoff wages was issued by the employer. Since the 3rd respondent has been appointed as a Resolution Professional, the apprehension of the petitioner is that he should be paid his salary on priority basis.

3. When the petitioner is well aware of the proceedings pending before the National Company Law Tribunal and the Interim Resolution Professional has already been appointed, he can take out an appropriate application as he may be advised, before the National Company Law Tribunal, claiming his dues. He cannot invoke Article 226 of the Constitution and seek a direction to settle his salary dues and other Government dues by the employer.

4. In view of the above, the Writ Petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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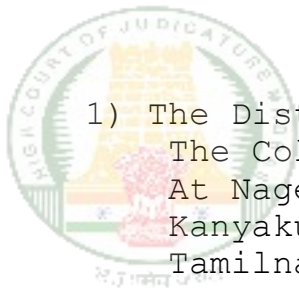
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Sub Assistant Registrar(CS)

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To

<https://hcservices.ecourts.gov.in/hcservices/>



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+1 CC to M/s.SPL GP (SR-214[F] dated 04/01/2022)

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DATED : 03.01.2022

NSN(CO)
KB(19.01.2022) 3P 4C