



W.P(MD)No.16554 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16554 of 2022

and

W.M.P.(MD)No.12006 of 2022

1.P.Nehru

2.K.Subburaj

... Petitioners

Vs.

1.The Secretary to Government,
Labour and Employment Department,
Secretariat, St.George Fort,
Chennai-600 009.

2.The District Collector,
Virudhunagar District.

3.The Commission for Workman Compensation,
(Deputy Commissioner of Labour),
Madurai.

4.S.Muthuraj
Official Liquidator,
35, 2nd Floor,
North Masi Street,
Madurai-625 001.

5.The Management,
Sree Naganathanam Mills Ltd.,



W.P(MD)No.16554 of 2022

Vakanagundu-626 104,
Kariapatti Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 & 2 to take appropriate action under Workmen Compensation Act to recovery the award amount passed in W.C.No.124/2016 and W.C.No.126/2016, dated 23.06.2017 on the file of the 3rd respondent against the 5th respondent and consequently, direct the 1st respondent to direct the 4th respondent to settle the amount payable to the petitioners within a time stipulated by this Court.

For Petitioners : Mr.V.Muthumani

For Respondents : Mr.G.Suriyananth
Additional Government Pleader for R1 to R3

: Mr.A.K.Manikkam for R4
: No appearance for R5

ORDER

Heard the learned counsel on either side.

2. The petitioners were employed in the 5th respondent mill. They filed W.C.No.124 & 126 of 2016 before the controlling authority. An award was passed in their favour. The management was directed to settle the gratuity claims of the petitioners. Unfortunately, for the petitioners, the management became insolvent. Following the order passed by NCLT, an official liquidator was appointed.



W.P(MD)No.16554 of 2022

WEB COPY

3. The petitioner's grievance is that the official liquidator had not settled their claims. The grievance of the petitioner is absolutely justified. But the writ Court cannot grant any relief. Since the 5th respondent mill has been subjected to IBC process, the petitioners have to necessarily move NCLT for relief. The other remedies available to the petitioners are also left open. I am only holding that the hands of the writ Court cannot be extended to aid the petitioners.

4. Granting such liberty to move NCLT or avail any other remedy open to them under law, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.04.2023

Index : Yes / No

Internet : Yes/ No

rmi

To

1.The Secretary to Government,
Labour and Employment Department,
Secretariat, St.George Fort,
Chennai-600 009.

2.The District Collector,
Virudhunagar District.



WEB COPY



W.P(MD)No.16554 of 2022

G.R.SWAMINATHAN, J.

rmi

3.The Commission for Workman Compensation,
(Deputy Commissioner of Labour),
Madurai.

W.P(MD)No.16554 of 2022

25.04.2023