



WEB COPY



Writ Petition No.19754 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

|                      |                  |
|----------------------|------------------|
| <i>Reserved on</i>   | <i>9/11/2023</i> |
| <i>Pronounced on</i> | <i>2/4/2024</i>  |

C O R A M

The Hon'ble Dr.Justice **D.NAGARJUN**

**Writ Petition No.19754 of 2013**

The Management of  
P.L.Haulwel Trailers Limited  
Now known as  
Automotive Coaches & Components Limited  
Puducherry. ... Petitioner

Vs

1. The Presiding Officer  
Industrial Tribunal-cum-Labour Court  
Pondicherry.
2. The President/Secretary  
P L Haulwel Trailers Union  
(Affiliated to AICCTU)  
rep. By its General Secretary  
6/3 III Cross Street  
Chittankudi  
Puduchery 9.
3. The Official Liquidator  
Mr.Subrata Maity  
Greenscape Royal CHS Ltd  
Shop Nos.26 and 29  
Plot No.25 Sector 7, Kamothe  
Navi Mumbai 410 209. ... Respondents



Writ Petition No.19754 of 2023

(Impleaded vide order dated 5/4/2022 made in  
W.P.No.19754 of 2013 by MSRJ)

WEB COPY

Prayer: Petition filed under Article 226 of the Constitution of India for the  
issuance of a writ of certiorari to call for the records and quash the Award of  
the first respondent, Labour Court, Pondicherry in I.D.No.11 of 1999 dated  
23/2/2012.

For petitioner ... Mr.K.R.Hariharan

For respondents ... Labour Court – for R.1.

Ms.Ramapriya Gopalakrishnan  
for R.2.

Ms.Santhanalakshmi  
Liquidator-in-person

- - - - -

## O R D E R

This writ petition is filed seeking to quash the Award dated 23/2/2012  
passed in I.D.No.11 of 1999 on the file of the learned II Additional Labour  
Court, Puducherry.

2. The Government of Puducherry has made a reference vide  
G.O.Rt.No.51/99/Lab/L dated 19/4/1999 to the first respondent/Labour



Writ Petition No.19754 of 2023

Court to resolve the following disputes between the petitioner and second respondent, viz.,

(i). Whether the refusal of employment to the workmen as mentioned in Annexure II of this order by the management of M/s.P.L.Haulwel Trailers (P) Ltd., Mettupalayam, Pondicherry 9, on the ground that they are the employees of their contractor Thiru.Selvaraj is justified? If not to what relief they are entitled to?

(ii). To compute the relief, if any, awarded in terms of money, if it can be so computed?

3. The employees of the petitioner Management were regularly engaged without any break through out the year. The Management has failed and refused to extend the statutory benefit under the Factories Act, E.S.I, E.P.F and the Payment of Bonus Act, etc. The employees have demanded and complained to the authorities about non extending the statutory benefits to them. A strike notice dated 25/3/1996 was issued to the Management. After several rounds of talks, the petitioner Management



Writ Petition No.19754 of 2023

has agreed for the demands of the employees, resulted in withdrawal of strike.

4. The petitioner Management without any prior notice and without any enquiry, refused employment to all the workmen who are continuously working, thereby reference was made for reinstatement of the employees on full backwages and continuity of service.

5. The second respondent Union has filed counter affidavit stating that the second respondent Company has engaged a Contractor by name E.Selvaraj to provide the Contract Labour. The members of the second respondent were not engaged by the petitioner Management. The said Selvaraj has settled the accounts of about 17 workers who have voluntarily submitted resignation to E.Selvaraj and some of them have entered into 18 (1) Settlement, thereby, it is submitted that the petitioner Management has nothing to do with the second respondent.

6. Additional counter affidavit is filed by the second respondent



before the labour Court, stating that the members of the second respondent Union were individually engaged by E.Selvaraj and all of them were directly engaged in the production within the factory premises. The jurisdiction of the Court is only limited to the reference made. The petitioner Management has filed rejoinder.

7. The labour Court, during the course of enquiry on behalf of the second respondent Union, one witness was examined and 8 documents were marked and on behalf of the Management, one witness was examined and 95 documents were marked. Finally, on 28/2/2022, the first respondent/Labour Court has allowed the Industrial Dispute directing the Management to reinstate the workman with continuity of service, other attendant benefits and with 25% of the backwages. Aggrieved by the same, the Management has preferred this writ petition.

8. During the pendency of the writ petition, it is reported that the petitioner Company went into liquidation, thereby Official Liquidator by name Subrata Maity of Mumbai was suo motu impleaded as third respondent.



WEB COPY

9. The said liquidator has filed a memo dated 1/11/2023 stating that Corporate debtor (petitioner Company) has been completely liquidated and proceeds have been fully distributed as per the provisions of Section 53 of the Insolvency and Bankruptcy Code, 2016 and that the Liquidator has received claim forms for the workmen in respect of the amount lying in the credit of I.D.No.11 of 1993 with the Labour Court, Pondicherry. The memo further goes to show that claims of the workmen who are the members of the second respondent Union have already been settled and workers have also withdrawn their amounts lying in the credit of I.D.No.11 of 1999. Memo further speaks that gratuity amounts were also paid out of the liquidation funds.

10. This writ petition is filed by the petitioner Company (which is now liquidated), challenging the award. As per the award, a direction was given to the petitioner Company to reinstate the workers and to pay the backwages. Since the petitioner Company has already been liquidated, the petitioner Company is not in existence as of now, thereby, the workers of the second respondent Union cannot be reinstated.



Writ Petition No.19754 of 2023

WEB COPY

11. In respect of the backwages to be paid by the petitioner Company to the workers, the Liquidator in the Memo dated 9/11/2023 has submitted that the wages to be paid to the workers of the second respondent Union were also paid. Once the Liquidator on behalf of the petitioner Company has cleared the dues to be paid to the members of the second respondent Union and on account of the fact that the petitioner Company has already been liquidated, cause does not survive anymore in this writ petition. In view of the above, this writ petition is liable to be dismissed.

12. In the result, this writ petition is dismissed, as the petitioner Company has been liquidated. No costs.

2/4/2024

mvs.

Index: Yes/No

Neutral Citation: yes/No



Writ Petition No.19754 of 2023

To

1. The Presiding Officer  
Industrial Tribunal-cum-Labour Court  
Pondicherry.

**Dr.D.NAGARJUN,J**

mvs.

**Pre-delivery order made in  
W.P.No.19754 of 2013**



WEB COPY



Writ Petition No.19754 of 2023

**2/4/2024**