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W.P.No.34148 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

W.P.No.34148 of 2019

and

WMP.Nos.34763 & 34764 of 2019

The Chairman-cum-Managing Director
Hindustan Photo Films Mfg.Co.Ltd.,
Indu Nagar
Udhagamandalam
The Nilgiris.

... Petitioner

Vs.

1. A.N.Sahayamary

2. The Official Liquidator High Court
Chennai.

...Respondent

(R2 impleaded as per order
dated 09.01.2020 made in WMP.No.304/2020
made in W.P.No.34148 of 2019)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the award dated 14.08.2014 (communicated vide letter dated 26.09.2014), passed in I.D.No.96



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of 2012 by the Central Government Industrial Tribunal-cum-Labour Court, Chennai and quash the same.

For Petitioner : Mr.T.R.Sathiyamohan

For Respondent : R1- No appearance
Mr.AG.Sathya Narayanan for R2
(Official Liquidator)

ORDER

This Writ Petition is filed seeking issuance of a writ of certiorari to call for the records pertaining to ID.No.96 of 2012 on the file of the Honourable Central Government Industrial Tribunal-cum-Labour Court, Chennai and to set aside the award dated 26.09.2014.

2. The petitioner company is a Government of India Enterprise, under the Companies Act, 1956. The petitioner company suffered loss since 1991-92 thereby it was referred to the Board of Industrial and Financial Reconstruction (BIFR) in the year 1995. In the year 1996, the BIFR declared the petitioner company as a Sick Industry and registered the reference made



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by the Company as Case No.503 of 1996. BIFR has recommended for winding up the company and the same was accepted by this Court in Company Petition No.114 of 2003 and orders were passed on 29.08.2016. The company was completely shut down with effect from June 2013. The Government announced voluntary retirement schemes and accepting the same, a large number of employees have left the company at regular intervals.

3. The second respondent has raised industrial dispute in ID.No.96 of 2012. The Labour Court has passed the impugned order dated 14.08.2014 directing the petitioner company to pay a sum of Rs.3,00,000/- in installments. Aggrieved by the same, the petitioner company has filed this Writ Petition.

4. During pendency of this petition, the learned counsel for the petitioner has filed an application in WMP.No.304/2020 for impleading the Liquidator as one of the respondent and the same was allowed on 09.01.2020 impleading the Liquidator as second respondent.



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5. Mr.AG.Sathya Narayanan, representing the second respondent Liquidator appeared through Video Conference and reported that if the workman respondent No.1 appears before the Liquidator and files application in proper format in respect of the award in ID.No.96 of 2012, his grievance will be considered.

6. The counsel for the petitioner submitted that the Liquidator has already been appointed and that the company has already been Liquidated, the petitioner has no further interest in the company.

7. There is no representation for the first respondent.

8. Considering the above, this Writ Petition is disposed of directing the first respondent to approach the second respondent Liquidator and file appropriate application by following the due process in respect of the award in ID.No.96 of 2012 passed by the Industrial Tribunal Labour Court,



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Chennai, on 26.09.2014 and thereafter, the Liquidator/second respondent shall consider the request of the first respondent and dispose of the same as early as possible in accordance with law.

9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

02.04.2024

Index : Yes / No
Internet : Yes / No
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Dr.D.NAGARJUN, J.

dna

To

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