



W.P.(MD) No.24203 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.24203 of 2017&
WMP.No.20314 of 2017

Coimbatore District Textile Workers Union (H.M.S)
Rep., through its Secretary,
K.Kannan
No.46/2, G.K.Complex, 2nd Floor,
V.M.R.Patti, Dindigul – 3.

... Petitioner

/vs./

- 1.State Bank of India (Consortium),
Rep., by its Assistant General Manager,
Stressed Asset Management Branch,
No.1112, Raja Plaza, Avinashi Road,
Coimbatore – 641 037.
- 2.Punjab National Bank,
Rep., through its Chief Manager,
Asset Recovery Management Branch,
448-A, Dr.Nanjappa Road,
Coimbatore – 641 018.
- 3.The Managing Director,
Vakira Kaliyamman Spinning Mills Pvt., Ltd.,
Silukuvarpatti Post, Nilakottai Taluk,
Dindigul District.



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4.The Employees Provident Fund Organisation
Rep., through its Commissioner,
Ministry of Labour - Govt., of India,
Regional Office, Lady Doak College Road,
Chokkikulam, Madurai – 625 002.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to appoint the Official Liquidator and direct to work out the legal dues of employees affiliated to the petitioner union and to submit report within the time stipulated by this Court.

For Petitioner : Mr.R.Sri Ram

For Respondents : Mr.A.John Xavier for R4

R1 & R2 – No Appearance

ORDER

This Writ Petition had been filed seeking for a Mandamus directing the respondents to appoint an Official Liquidator and direct to workout the legal dues of the employees affiliated with the petitioner Union.

2. Heard Mr.R.Sri Ram, learned counsel appearing for the petitioner, Mr.A.John Xavier, learned Standing counsel appearing for the fourth respondent and none appeared for the respondents 1 & 2.



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3. At the outset, a Writ Petition to appoint an Official Liquidator cannot be maintainable, as the appointment of the Official Liquidator can be only made by invoking the Provisions of Companies Act. Hence, the present Writ Petition is not maintainable. However, considering the fact that the petitioner represents the workmen of the third respondent Company which had undergone SAFAESE proceedings, the petitioner is at liberty to approach the appropriate authority to work out its remedy/grievances and if the petitioner approaches such Authority, the period of pendency of this Writ Petition shall stand excluded while calculating the period of limitation.

4. With the aforesaid liberty, this Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

Gba

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