



W.P.No.9444 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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- 1.M.B.Ramamurthy
- 2.B.L.Devaraj
- 3.M.Devasena
- 4.Sheik Mohideen
- 5.Ajjan
- 6.Vincent Paulraj
- 7.C.Manogaran
- 8.Krishnamoorthy
- 9.Sahaya Raj
- 10.Francis
- 11.Bala Sathish Kumar
- 12.R.Venkatesh
- 13.K.Balaraman
- 14.Halan
- 15.Joyce Margaret Marshal

... Petitioners

Vs.

- 1.The Government of India,
Rep.by its Secretary,
Department of Heavy Industries,
New Delhi.



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2.Hindustan Photo Films Manufacturing Co., Limited,
Indu Nagar, Ootacamund,
The Nilgiris, Tamil Nadu-643 005.

3.The Official Liquidator,
Hindustan Photo Films Manufacturing Company Limited,
M/s.SPP and Co, Chartered Accountants,
No.27/9, Nivedh Vikas,
Pankaja Mill Road, Puliyakulam,
Coimbatore-641 045.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents to pay the petitioners with Repayable Monthly Advance and Special Performance Allowances with interest at the rate of 18% from the date of amount due till the date of realization.

For Petitioner : Ms.R.Poornima

For Respondents : Mr.K.Srinivasa Moorthy

ORDER

This Writ Petition has been filed to direct the respondents to pay the petitioners with Repayable Monthly Advance and Special Performance Allowances with interest at the rate of 18% from the date of amount become due till the date of realization.



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2. The facts of the case are that the petitioners were the employees of the second respondent Company and the said Company was shut down and BIFR proceedings were also completed. There were many writ petitions and the writ appeals filed and the matter reached till the Hon'ble Supreme Court of India. The petitioners, in terms of wage settlement, have sent a representation to settle the Repayable Monthly Advance and Special Performance Allowance to the employees to the first respondent on 06.02.2025. Since the same has not been considered, the petitioners have filed this Writ Petition seeking for the aforesaid relief.

3. The learned counsel appearing for the petitioners would submit that it would suffice, if the first respondent is directed to dispose of the representation of the petitioner, dated 06.02.2025 on merits and in accordance with law, within a specified period.



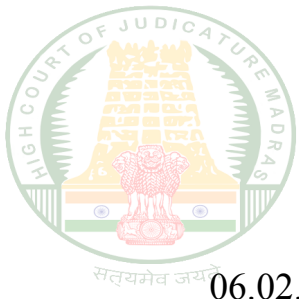
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4. The learned counsel appearing for the first respondent submits that due to financial loss sustained by the second respondent Company, the Company was taken over by the third respondent/Official Liquidator and the third respondent is the Competent Authority to consider the representation of the petitioner. Instead of submitting the representation before the third respondent, the petitioners have made representation before the first respondent.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent. Since no adverse order is going to be passed against the second and third respondents, notice to the second and third respondents is dispensed with.

6. Considering the limited request made by the learned counsel appearing for the petitioner and the submissions made by the learned counsel appearing for the first respondent, this Court, without going into the merits of the matter, directs the petitioner to send a copy of the representation dated



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06.02.2025 to the third respondent along with a copy of this order within a period of six weeks from the date of receipt of a copy of this order and on receipt of the representation made by the petitioner, the third respondent is directed to pass appropriate orders on merits and in accordance with law, as expeditiously as possible.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

18.03.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To
The Secretary,
The Government of India,
Department of Heavy Industries,
New Delhi.



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M.DHANDAPANI,J.

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