



WEB COPY



W.P.No.4527 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4527 of 2014

And

M.P.No.2 of 2014

Orunginaintha Uzhiyargal Kootamaippu Puducherry
-Textile Corporation (AFT) Puducherry,
Rep. by its General Secretary, ... Petitioner

Vs.

1.Anglo French Textiles of Pondicherry
-Textile Corporation (PTC),
represented by its Managing Director,
Cuddalore Road, Mudaliarpeta,
Puducherry – 605 004.

2.Department of Industrial Development
-(Industries and Commerce)
Represented by its Secretary to Govt. of Puducherry,
Chief Secretariat Building, Gubert Salai,
Puducherry – 1.

3.The Commissioner of Labour,
Gandhi Nagar,
Puducherry. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus, calling for the records of the



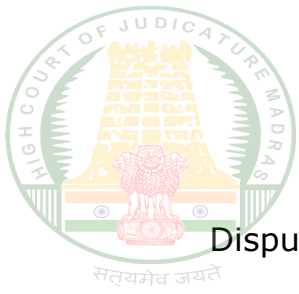
W.P.No.4527 of 2014

respondent relating to the impugned order Ref.PTC/2014/15 dated 27.01.2014, and quash the same, consequently direct the respondents 1 and 2 to refer the issue of first respondent industry to BIFR (Board and Appellate Authority for Industrial and Financial Re-construction) for appropriate action and direct the respondents herein to constitute a works committee as per the procedure contemplated under the Industrial Dispute (Central) Rules and till such time forbear the respondents herein from alienating, disposing the movable and immovable assets of first respondent industry.

For Petitioner : Mr.P.R.Thiruneelakandan
For Respondents : Mr.V.Vasanthakumar
Additional Government Pleader (P)

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent relating to the impugned order Ref.PTC/2014/15 dated 27.01.2014, and quash the same, consequently direct the respondents 1 and 2 to refer the issue of first respondent industry to BIFR (Board and Appellate Authority for Industrial and Financial Re-construction) for appropriate action and direct the respondents to constitute a works committee as per the procedure contemplated under the Industrial



W.P.No.4527 of 2014

Dispute (Central) Rules and till such time forbear the respondents herein from alienating, disposing the movable and immovable assets of first respondent industry.

2.The first respondent decided to dispose of the old machineries and other obsolete items and vide impugned order constituted a committee for that purpose. The grievance of the petitioner is that the said committee did not consist of representative from the petitioner union and the said act of the first respondent will affect the interest of the workers. If according to the first respondent, the first respondent is a sick industry facing financial crisis, the Government ought to have referred the issue to BIFR, however, has constituted a committee for disposing of the old machineries and other obsolete items, thereby the petitioner has filed this writ petition.

3.However, the petitioner cannot restrict the first respondent from alienating the old machineries and other obsolete items. If at all there is any retrenchment or dismissal, the petitioner can challenge the same before the appropriate forum in the manner known to law.

4.In view of the above, the writ petition is dismissed with liberty



W.P.No.4527 of 2014

to the petitioner to work out the remedy in the manner known to law

WEB COPY

M.DHANDAPANI,J.

pri

in terms of Industrial Laws. No costs. Consequently, the connected miscellaneous petition is closed.

25.02.2025

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.Anglo French Textiles of Pondicherry
-Textile Corporation (PTC),
represented by its Managing Director,
Cuddalore Road, Mudaliarpeta,
Puducherry – 605 004.
- 2.Department of Industrial Development
-(Industries and Commerce)
Represented by its Secretary to Govt. of Puducherry,
Chief Secretariat Building, Gubert Salai,
Puducherry – 1.
- 3.The Commissioner of Labour,
Gandhi Nagar,
Puducherry.

**W.P.No.4527 of 2014
And**



WEB COPY



W.P.No.4527 of 2014

M.P.No.2 of 2014