



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 20427 of 2025

AND

WMP NO. 23041 OF 2025, WMP NO. 23043 OF 2025, WP NO. 20428 OF 2025

R.Venkatakrishnan
Liquidator Of M/s St. John Freight Systems
Limited, Rajparis Trimeni Towers, First Floor,
No.147, G.N. Chetty Road, Chennai, Tamil Nadu
-600017.

..Petitioner(s)

Vs

B. Murugesan
S/o. Late Perumal Nadar, No.2/150, B Nathan
Street, Melakrishnanputhur, Agastheesvaram,
Kanyakumari, Tamil Nadu -629 801.

..Respondent(s)

WP No. 20428 of 2025

R.Venkatakrishnan
Liquidator Of M/s St. John Freight Systems
Limited, Rajparis Trimeni Towers, First Floor,
No.147, G.N. Chetty Road, Chennai, Tamil Nadu
-600017.

..Petitioner(s)

Vs

S. Manikam
S/o. Late Subbiah Chettiar, No.2/20/1, Amman
Kovil Street, M. Puthur, Mudivaithanendal,
Thoothukudi, Tamil Nadu -628 102.

..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorarified Mandamus to call for the records of the proceedings bearing Computation Petition No.13 of 2023 on the file of



the Honble Labour Court, Tirunalveli and quash the impugned order dated 27.11.2024 as illegal and contrary to the established principles of law

WP No. 20428 of 2025

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorarified Mandamus to call for the records of the proceedings bearing Computation Petition No.37 of 2021 on the file of the Hon'ble Labour Court, Tirunalveli and quash the impugned order dated 27.11.2024 as illegal and contrary to the established principles of law

For Petitioner(s): Mr.Ashwin Shanbhag

For Respondent(s): Mr. R. Ganesh

Common Order

The writ petitions are filed challenging the award dated 27.11.2024 made in Computation Petition filed by the respondents in both petitions against the Private Limited Limited, which is under liquidation.

2. Case of the petitioner is that M/s.St.John Freight System Limited is a public listed company incorporated under the Companies Act, 1956. One M/s.Phoenix ARC Private Limited had filed complaint against M/s.St.John Freight System Limited before the National Company Law Tribunal, Chennai, under Section 7 of the Insolvency and Bankruptcy Code, 2016. Upon being satisfied of the default being committed by the said Company, the NCLT had ordered insolvency resolution process and also appointed the petitioner herein



as a Resolution Professional. The petitioner received 369 claims aggregating Rs.326,06,05,519/-. Since no resolution plan was approved by the Committee of Creditors, the petitioner had filed petition before the NCLT for liquidation of M/s.St.John Freight System Limited and the same was ordered.

3. While the matter stood thus, one Mr.B.Murugesan and Mr.Manickam, the respondents herein in both petitions, claiming to be a workmen in the said liquidated company, filed Computation Petitions before the Labour Court, Tirunalveli, claiming Rs.4,36,023/- and Rs.5,60,377/- respectively along with an interest of 12% per annum for wages towards lifting containers and for unpaid bonus payable to them. The Labour Court had passed ex-parte award vide order dated 27.11.2024, which is under challenge in these writ petitions.

4. Learned counsel for the petitioner submitted that the impugned proceeding was instituted in suppression of the material fact that M/s.St.John Freight System Limited was under liquidation process and without impleading the liquidator as party before the Labour Court. The Labour Court, unaware of the liquidation proceedings awarded the claims vide the impugned order dated 27.11.2024. Further it is submitted that under Section 33(5) of the IBC, 2016, once a liquidation order has been passed by the NCLT, no suit or other legal proceedings shall be instituted by or against the corporate debtor. In the present instance, the liquidation order was passed as early as on 26.11.2019 and



therefore the subsequent institution of the impugned proceedings is contrary to law. Hence prays for setting aside of the impugned award.

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5. The learned counsel for the petitioner further submitted that in pursuant to the interim order of this Court dated 10.09.2025, the petitioner also deposited 25% of the amount to the credit of Computation Petition before the Labour Court.

6. Per contra, the learned counsel for the respondents in both petitions submitted that the respondents had approached the petitioner seeking settlement of their superannuation benefits; however, no orders were passed thereon. Hence, the respondents approached the Labour Court for redressal of their grievance. The Labour Court after considering all the material aspects had rightly passed the award in favour of the respondents, which does not require interference of this Court.

7. Heard both sides and also perused the materials available on record.

8. It is an admitted that M/s. John Freight Systems Limited was under liquidation. In the proceedings before the Labour Court, notice of hearing was issued only to the liquidated company. The liquidator was not impleaded as a party to the said proceedings. The respondent approached the Labour Court and



obtained the award without making any claim before the Liquidator. Since the Labour Court was unaware of the liquidation proceedings, it passed the impugned order. Therefore, the impugned order liable to be set aside.

9. In view of the above, the impugned order dated 27.11.2024 is set aside and the matter is remanded back to the Labour Court for fresh adjudication after impleading the liquidator / petitioner herein as a party respondent in the proceedings. The Labour Court shall, after hearing all the necessary parties, pass appropriate orders in accordance with law.

10. Accordingly, these writ petitions are disposed of. No costs. Consequently connected miscellaneous petitions are closed.

06-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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WP No. 20427 of 2



M.DHANDAPANI J.

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**WP No. 20427 of 2025
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WMP NO. 23041 OF 2025, WMP NO. 23043 OF 2025, WP NO. 20428 OF
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06-04-2026