

Workmen of Stretch Fibres (India) Ltd.

Vs

Secretary, Ministry of Industries and Others

Writ Petition (Civil) No. 1632 of 1986

(Ranganath Misra, M. Dm. Dutt JJ)

27.07.1987

ORDER

1. Heard learned counsel for the parties. Mr. Ganesh indicates two points - (1) the payment of arrears of wages due to 450 workmen be paid, and (2) to declare the company as a sick industry and to take steps for its revival.
2. Counsel for the respondent produces an order of the learned Company Judge of the Bombay High Court wherein we find that the company has now been wound up and the Official Liquidator has been directed to take possession of the assets. The Managing Director of the company, respondent 6, has appeared in court pursuant to our earlier order. Having heard the counsel for the parties we are of the view that no order can be made by us so far as the first relief is concerned in the absence of an overall picture of the financial position of the company. We think that it would be proper to have that exercise carried on in the liquidation proceeding. We would accordingly have this writ petition transferred to the High Court for being dealt with in accordance with law so far as the payment of arrears of wages is concerned. We request the High Court to take up the matter expeditiously in view of the fact that workmen have not been paid their past wages. The Official Liquidator will assist the High Court in dealing with the matter and for taking stock of the position. This may perhaps be done within ten weeks from day.
3. So far as the second aspect is concerned, we do not know whether it would be possible for treating the respondent-company (respondent 6) as a "sick industry". But an attempt can be made to assess the situation and in case the Government of Maharashtra is satisfied that reference is to be made under the Sick Industries Act, such references to the statutory Board be made by the Government of Maharashtra within two months from today.
4. The tenders which have been received in terms of our earlier order shall be dealt with in accordance with law by the learned Company Judge.
5. The writ petition is disposed of accordingly.

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