

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

MAIN CASE No: W.P.No. 21199 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
1.	12.08.2025	<u>VN,J</u> Issue notice to the Respondent No.1 Learned counsel for the Petitioners is permitted to take out personal notice on the Respondent No.1 by RPAD and file proof of service in the Registry. The present Writ Petition filed questioning the Award dated 02.04.2025 passed in I.D.No.67 of 2022 passed by the Chairman, Industrial Tribunal-cum- Labour Court, Visakhapatnam (in short 'learned Tribunal') and quash the same. The terminated Respondent No.1/ Workman had filed I.D.No.67 of 2022 under Section 2-A(2) of the Industrial Disputes Act, 1947 (in short "I.D Act"), as the termination was said to be not in consonance with I.D.Act. The Tribunal considered the submissions made, allowed the I.D, directing the Respondents/ Management to reinstate the Respondent /Workman into service with full back wages, continuity of service and attendant benefits. Sri A. Chandra Shaker, Learned counsel for the Petitioners would submit that the Petitioner Company has been referred to Corporate	

		Insolvency Resolution Process (CIRP), pursuant to order of NCLT, Hyderabad dated 19.07.2017 and the same is pending before NCLAT, New Delhi vide Appeal (AT) (INS)-553/ND/2019. It is informed to this Court that Monitoring Committee is presently operating in day-to-day affairs of the Petitioner/ Company. The Principal contention of the counsel for Petitioners is that Under Section 14 of the Bankruptcy Code, 2016 (in short “the Code”), there is Moratorium, against which the Company is undergoing Insolvency Process and this Section 14 of the Code was not noticed by the learned Tribunal before passing the impugned order. Having heard the learned counsel for the Petitioners, this Court is of the opinion that <i>prima facie</i> the impugned order of termination of the Respondent/ Workman is not in consonance with the provisions of I.D.Act, 1947. The Section 14 of “the Code” is similar to Section 22 of Sick Industrial Companies (Special Provisions) Act, 1985 and the cases rendered there under by Allahabad High Court in “Modi Industries Limited v. Additional Labour Commissioner”, which was followed by Bombay High Court in “Babu Rao P. Tawade and Others v. Hes Ltd., Bombay” and Madhya Pradesh High Court in “Allwyn v. Deputy Labour Commissioner did not extend the bar of Section 22 of Sick Industrial Companies (Special Provisions) Act, 1985 on	
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		proceedings to orders passed by Labour Courts. However, there is no corresponding case law as to whether Section 14 of “the Code” would apply to Industrial Disputes. In that view, the matter requires consideration. There shall be interim stay of Award in I.D.No.67 of 2022 dated 02.04.2025 (published on 01.05.2025) passed by the learned Tribunal for a period of eight (08) weeks, subject to payment of last drawn wages under Section 17-B of the I.D.Act, 1947. Post on 08.09.2025 along with W.P.No.18674 of 2025 and batch. _____ VN,J lvd	
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