

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 21199 OF 2025



Between:

1. The General Manager, Accounts, ADMN and HR, Decean Chronicle Holdings Limited, Registered Corporate Office, 36, Sarojinidevi Road, Secunderabad-500003. Rep by B.Anil Kumar, S/o. B.T.Raju, Aged about 59 years.
2. The Branch Manager, Deccan Chronicle Holdings, Limited, Dowlaiswaram, Rajamahendravaram, East Godavari District., Andhra Pradesh. Rep.by K. Veeru Naidu, S/o Late Narasimhulu, aged 61 years.

...Petitioners

AND

1. G.V.Satyanarayana, S/o Krishna Rao, R/o D.No. 10-125/9, Cotton Peta, Dowlesiwaram, East Godavari District.
2. The Chairman, Industrial Tribunal-Cum-Labour, Court Visakhapatnam, Rep.by Preceding Officer.
3. The State of Andhra Pradesh, Rep.by its Prl.Secretary, Labour Department, Secretariat Buildings, Amaravathi, Andhra Pradesh.

...Respondents

WHEREAS the Petitioners above named through their Advocate SRI A CHANDRA SHAKER presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Certiorari, calling for the records in ID. No. 67 of 2022 on the file of the 2nd Respondent, the Chairman,

Industrial Tribunal-cum- Labour Court, Visakhapatnam, quash the award dated 02.04.2025, published on 01.05.2025, as being illegal, unjust, contrary to law: perverse, and amounting to unfair labour practice and in violation of the provisions of Insolvency and Bankruptcy code, 2016.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri A CHANDRA SHAKER Advocate for the Petitioner, and of GP FOR LABOUR, for the Respondent No.3, directed issue of notice to the Respondent No.1 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

G.V.Satyanarayana, S/o Krishna Rao, R/o D.No. 10-125/9, Cotton Peta, Dowlesiwaram, East Godavari District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 08.09.2025, to which date the case stands posted for hearing.

IA NO: 1 OF 2025

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Order Dated: 02-04 -2025 in ID. No. 67 of 2022 passed by the 2nd Respondent the Chairman, Industrial Tribunal cum Labour Court, Vishakhapatnam, pending disposal of WP No. 21199 of 2025, on the file of the High Court.

IA NO: 2 OF 2025

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in ID.No. 67 of 2022 pursuant to the award Dated; 02-04-2025, published on 01-05-2025 passed

by the 2nd Respondent the Chairman, Industrial Tribunal cum Labour Court, Vishakhapatnam, pending disposal of WP No. 21199 of 2025, on the file of the High Court.

The Court made the following: ORDER

“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 prima facie 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 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."

SD/- B.PRASAD RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. G.V.Satyanarayana, S/o Krishna Rao, R/o D.No. 10-125/9, Cotton Peta, Dowlesiwaram, East Godavari District. (by **SPEED POST**- along with a copy of petition and affidavit)
2. The Chairman, Industrial Tribunal-Cum-Labour, Court Visakhapatnam, Rep.by Preceding Officer.

3. The Prl.Secretary, Labour Department, State of Andhra Pradesh, Secretariat Buildings, Amaravathi, Andhra Pradesh.(Addressee Nos. 2 and 3 by **SPEED POST**)
4. One CC to Sri A.Chandra Shaker, Advocate [OPUC]
5. Two CCs to GP for Labour, High Court of A.P., Amaravati [OUT]
6. The Section Officer, Writ (Service) Section, High Court of Andhra Pradesh, Amaravati
7. One spare copy.

PSR

HIGH COURT

VN,J

DATE:12/08/2025

**POST ON 08.09.2025 ALONG WITH
W.P.NO.18674 OF 2025 AND BATCH.**

NOTICE BEFORE ADMISSION

WP.No.21199 of 2025

INTERIM STAY

