

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.01.2015

CORAM

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

Contempt Petition No.130 of 2015

B.Syed Jafar ..Petitioner

Vs.

1.Chandrakant B.Kamble, I.A.S.,
Commissioner of municipal Administiration,
Chepauk, Chennai 600 005.

2.N.Viswanathan
Commissioner,
Tiruvallur Municipality,
Tiruvallur.
.. Respondents

Prayer:- This Petition filed under Section 11 of Contempt of Court Act, to punish the respondent, for deliberately disobeying the orders of this Court dated 24.07.2014 made in W.P.No.34116 of 2012.

For Petitioner :M/s.A.S.Thambuswamy

For Respondents :T.N.Raja Gopalan
Spl.Govt.Pleader

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner has come forward with the aforesaid petition, to punish the respondent herein.

2. This Court has passed an order in W.P.No.34116 of 2012 dated 24.07.2014 which reads as follows:

6. Unfortunately, the petitioner has not produced the award of the Labour Court before this Court to decide whether the petitioner has been reinstated into service with all benefits as stated in page No.10 of the typed set of papers. Hence, this Court is unable to come to a conclusion for rendering a finding on this issue by referring to the award of the Labour Court.

7. In case, there is an award granting continuity of service the third respondent ought to have regularised the services of the petitioner on and from the completion of 480 days of service within a period of 24 calendar months, by taking into account the date of the award viz., 12.7.1999, the services of the petitioner should have been regularised at least after 2 years from the date of the award of the Labour Court.

8. In case, the Labour Court has granted continuity of service to the petitioner, the petitioner should be given the continuity of service and other benefits after two years of the publication of the award as contemplated

under Section 17-A of the Industrial Disputes Act, 1947 and extend all the benefits of the petitioner. Since the petitioner has approached this Court belatedly and that he has not produced the award of the Labour Court, this Court holds that he is not entitled to the backwages.

3. The learned counsel for the petitioner submitted that he has produced copy of the award and after perusing the same, this Court has passed the said order. But this contention may not be correct and this Court would not have rendered such an observation as stated supra.

4. If he has produced the award copy, this Court would have observed that the petitioner would not be entitled to continuity of service and ordered for regularisation. The award copy has been produced only today wherein his prayer for regularisation is made very clear in paragraphs 11 and 12 of the award. Hence the petitioner is not entitled to re-argue the matter and seek for regularisation in terms of G.O.125 MAWS Department, in the present contempt petition which has not been granted by this Court in the aforesaid writ petition.

5. This Court can decide whether there is any

other side, to punish the respondent if this Court has actually granted any specific relief about continuity of service and regularisation. Hence contempt petition is dismissed . No costs.

Kkd

SD/
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SS/CO/18/03/2015

One CC to Government Pleader, SR.1603

One CC to M/S.A.S.Thilagavathy, Advocate, SR.1497

सत्यमेव जयते

WEB COPY