

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.10.2015

CORAM

THE HON'BLE MR. JUSTICE **B.RAJENDRAN**

CONTEMPT PETITION No.1653 of 2015

1. Kandeepan
2. Jegadeesan
3. Seenuvasan
4. Mariappan
5. Karthikeyan
6. Janakiraman
7. Azhagappan
8. Ezhumalai
9. Thiruthanivel ... Petitioners

vs

Mr.Selvaraju
Sri Ramiah Spinners Ltd.,
Managing Director
Registered Office at No.4,
Krishnasamy Street
Krishnapuram Colony
Madurai - 14 .. Respondent

Contempt petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for wilful disobedience of the order dated 23.09.2014 made in MP.No.1 of 2014 in WP.No.33431 of 2013.

For Petitioner ... Mr.P.R.Thiruneelakandan

For Respondent ... Mr.M.Vallinayagam
Senior Counsel for
Mr.G.Manivannan

ORDER

<https://hcservices.ecourts.gov.in/hcservices> The contempt petition has been filed to punish the respondent for wilful disobedience of the order dated

23.09.2014 made in MP.No.1 of 2014 in WP.No.33431 of 2013.

2. This Court, by order dated 23.9.2014, directed the respondent/Management to pay wages under Section 17-B of the Industrial Disputes Act and continue to pay the wages in future on or before 10th of every month. But the same has not been granted by the respondent.

3. The learned counsel for the petitioners submitted that even though the order was passed as early as on 23.9.2014, the respondent has not paid 17-B wages till date.

4. The learned counsel for the respondent brought to the notice of this Court that pending writ petition and even before 17-B wages was ordered by this Court, the respondent as early as on 10.10.2013, issued a notice calling upon the petitioners/employees to join duty at Kovilpatti Unit and the same has been accepted by the petitioners in their affidavit filed by them in 17-B wages petition.

The learned counsel for the respondent submitted that as his daughter has given birth to a premature child, he could not appear before the Court on 23.9.2014. However, in the counter, the respondents have specifically stated that they are prepared to employ the petitioners at Kovilpatti Unit, without prejudice to the writ petition filed by them.

5. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

6. Admittedly, the order dated 23.9.2014 was passed without hearing the respondents. Further, counter affidavit has been filed by the respondents on 31.1.2014. In the counter, the respondents have specifically stated that they are ready and willing to give employment to the petitioners at Kovilpatti. Further, it is seen that as early as on 10.10.2013, the respondents have sent notices to the petitioners directing them to take up the work at Kovilpatti, which is also admitted by the petitioners in paragraph 6 of the affidavit filed by them in 17(b) wages petition. More over, final order has not been passed in the writ petition.

7. In view of the same, the contempt proceedings does not arise. The contempt petition is closed. The parties are directed to abide the result of the writ petition.

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SD/-
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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Kmv/27/11/2015