

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE M.M.SUNDRESH

Contempt Petition No.1373 of 2016
and
Sub Application Nos.223 & 224 of 2016

MRF United Workers Union,
rep. by its General Secretary,
Regd.No.1169/VLR
No.100/112, Pandit Jawarlal Nehru Street,
Sholinghur Road,
Arakonam-631 001. ... Petitioner

Vs

- 1.Amudha, I.A.S.,
Commissioner of Labour,
DMS Compound,
Chennai-600 006.
- 2.S.Kalaivani,
Joint Commissioner of Labour,
DMS Compound,
Chennai-600 006.
- 3.MRF Limited,
rep. by its Managing Director,
No.114, Greams Road,
Chennai-600 006.
- 4.K.M.Mamen,
MRF Limited,
Chairman & Managing Director,
No.114, Greams Road,
Chennai-600 006.
- 5.Arun Mamen,
MRF Limited,
Managing Director,
No.114, Greams Road,
Chennai-600 006.
- 6.Rahul Mammen Mappillai,
MRF Limited,
Whole-Time Director,
No.114, Greams Road,
Chennai-600 006.

7. Ashok Jacob,
MRF Limited,
Director,
No.114, Greams Road,
Chennai-600 006.
8. Vijay R. Kirioskar,
MRF Limited (Director),
No.114, Greams Road,
Chennai-600 006.
9. Ranjit I Jesudasen,
MRF Limited,
Director,
No.114, Greams Road,
Chennai-600 006.
10. Jacob Kurian,
MRF Limited,
Director,
No.114, Greams Road,
Chennai-600 006.
11. V. Sridhar,
MRF Limited,
No.114, Greams Road,
Chennai-600 006.
12. N. Kumar,
MRF Limited,
No.114, Greams Road,
Chennai-600 006.
13. Salim Joseph Thomas,
MRF Limited,
No.114, Greams Road,
Chennai-600 006.
14. M. Meyyappan,
MRF Limited,
No.114, Greams Road,
Chennai-600 006.
15. Cibi Mammen,
MRF Limited,
No.114, Greams Road,
Chennai-600 006.
16. Ambika Mammen,
MRF Limited,
No.114, Greams Road,
Chennai-600 006.
17. Ravi Mannath,
MRF Limited,
No.114, Greams Road,
Chennai-600 006.
18. K.V.S. Raviprakash,
MRF Limited,
rep. by its General Manager,
Ichiputhur, Arakonam Taluk,
Chennai District-631 003.

19. Arakonam MRF Workers Welfare Union,
rep. by its Secretary,
Regd. No.1268/VLR
No.4, Shastri Nagar, Ichiputhur,
Arakonam-631 003.
20. Arakkonam MRF Anna Thozhilalarkal Sangam,
rep. by its Secretary,
Regd. No.1485/VLR,
Arakkonam Tiruttani Road,
Devaraj Nagar, Thangai Pollur Village & Post,
Arakkonam Taluk-631 003,
Vellore District. .. Respondents

Contempt Petition filed under Sections 11 and 12 of the Contempt of Courts, Act, 1971 punish the respondents for the wilful disobedience of the order passed by this Court in W.A.No.674 of 2009, dated 08.09.2009.

For Petitioner .. Mr.V.Prakash
Senior Counsel
for
Mr.K.Sudalaikannu

For Respondents .. Mr.V.R.Kamalanathan
Addl. Government Pleader for R1
& R2

Mr.Sanjay Mohan
for
M/s.Ramalingam Associates for R3

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The learned Senior Counsel for the petitioner seeks to contend that really speaking, a fraud has been played in the proceedings before the Labour Court with the object of frustrating the intent of the order passed by the Division Bench of this Court, of which the contempt is alleged. He submits that this issue has taken time because SLP has been filed against the order in question by respondent Nos.9 and 13, which was withdrawn only on 02.12.2015.

2. We put to the learned Senior Counsel for the petitioner that really speaking there is a fresh cause of action and the relief would be obtainable only by instituting a fresh proceedings. If in the course of the enquiry in the proceedings it is found that any endeavour is made to frustrate the order of this Court, the Court is not powerless to take necessary action.

3. In so far as the plea of the learned Senior Counsel for the petitioner on the issue of preservation of the records before the Labour Commissioner is concerned, those records would be preserved as the petitioner proposes to file a substantive petition.

4. The learned counsel for the petitioner seeks to withdraw the Contempt Petition in terms aforesaid. Endorsement has been made.

5. The Contempt Petition is dismissed as withdrawn in terms aforesaid. Consequently, Sub Application Nos.223 & 224 of 2016 are closed.

SD/-
JOINT REGISTRAR (OS)

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//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER (O.S.)

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One CC to Mr.K.Sudalai Kannu, Advocate, Sr.No.5775/2016.