

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2016

CORAM:

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

Contempt Petition No.967 of 2015

Chengai Podhu Thozhilalar Sangam (Regn.No.677/CPT)
Rep. by its General Secretary, Mr.K.Seshadri
... Petitioner

Vs.

Mr.Arun Ramaswamy
Managing Director,
The Management of SPEL Semiconductor Limited,
No.5 and 6, CMDA Industrial Estate,
Maraimalai Nagar, Kanchipuram District. ... Respondent

Prayer :

Contempt petition filed under Section 11 of Contempt of Courts Act, praying to punish the respondent for the Contempt of Court for their willful and deliberate disobedience of the order of this Hon'ble Court dated 21.04.2015 made in M.P.No.1 of 2015 in W.P.No.11622 of 2015.

For Petitioner : Mr.K.C.Karl Marx
For Respondent : M/s.Jayaraman Associates

ORDER

This contempt petition is filed alleging wilful disobedience of the order dated 21.04.2015 and made in M.P.No.1 of 2015 in W.P.No.11622 of 2015.

2.The learned counsel appearing for the petitioner would submit that despite the positive interim order, the fifth respondent has resorted to a un-fair labour practice by recruiting new workers by updating the appointment orders and would further add that the main writ petition itself came to be allowed in their favour.

3.However, the said fact is seriously disputed by the fifth respondent in the writ petition who has drawn the attention of this Court to the counter affidavit as well as to the typed set of papers and would submit that even prior to the knowledge of the interim order, such an act has been done and since the petitioner is having an effective alternative remedy, they can pursue the same.

4.This Court has carefully considered the rival submissions and also perused the materials placed before it.

5.Whether the fifth respondent in the writ petition has violated the interim order by updating the appointment order, is the factual aspect to be adjudicated and according to the learned counsel appearing for the

petitioner, this amounts to un-fair labour practice for which, they are having effective alternative remedy. It is also pertinent to point out at this juncture, that the writ petition itself came to be allowed.

6.In the light of the above facts and circumstances, this Court is of the view that no further orders are necessary. Therefore, this Contempt Petition is closed. However, the petitioner is at liberty to work out their remedy, in accordance with law, before the competent forum.
pri

SD/
JOINT REGISTRAR (OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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CO/12/08/2016

One CC to Mr.K.C.Karl Marx, SR.8869/2016

One CC to M/s.Jayaraman & Associates, SR.8909/2016