

IN THE HIGH COURT OF JUDICATURE AT MADRAS
 DATED :: 26-02-2016
 CORAM
 THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
CONTEMPT PETITION No.2656 OF 2014

S.Ulaganathan

...

Petitioner

-vs-

Mr.Sivarajan,
 Assistant Labour Commissioner (Center),
 D.A.2, B.S.N.L.Quarters,
 Reddiyarpalayam,
 Pondicherry.

...

Respondent

Petition under Section 11 of the Contempt of Courts Act, to punish the respondent, for disobedience of the order of this Court in W.P.No.34006 of 2012, dated 18.12.2012.

For petitioner : Mr.T.Sivagnanasambandan

For respondent : Mr.A.K.Manoj Kumar,
 Central Govt.Standing Counsel.

O R D E R

This Contempt Petition has been filed, alleging wilful disobedience of the order and direction issued by this Court in W.P.No.34006 of 2012, dated 18.12.2012.

2. The crux of the allegation is that a conciliation took place on 15.02.2012, in which the contractor agreed to pay all the dues and the industrial dispute was closed. Though such a report was made ready, the Assistant Labour Commissioner (Central) is said to have sent another report, dated 26.02.2013, to the Central Government, based on which, the Central Government issued a notice under Section 17 of the Industrial Disputes Act, 1947, for adjudication. It is alleged that the said dispute is also now closed.

3. This contempt petition has been filed on the ground that the conciliation proceedings concluded on 15.02.2012 were not

communicated to the Central Government. Unfortunately, the petitioner has not disclosed the filing of another writ petition in W.P.No.10332 of 2013, wherein he virtually sought for the same relief as he now seeks for in the contempt petition, where he has sought for quashing the final report, dated 26.02.2013, and to direct the Assistant Labour Commissioner to revoke the suspension based on the conciliation proceedings, dated 15.02.2012. The said writ petition was dismissed by an order dated 15.04.2013. However, the petitioner's rights were not closed, and it was observed that it was open to the petitioner to work out the remedy for his grievance. Therefore, this Contempt Petition is thoroughly misconceived and is a clear abuse of process of court. Accordingly, this Contempt Petition stands dismissed. However, the liberty, which is given by this Court in W.P.No.10332 of 2013, is preserved and it is open to the petitioner to work out the same. No costs.

dixit

सत्यमेव जयते

SD/
DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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

rld/CO/18/03/2016

To

Mr.Sivarajan,
Assistant Labour Commissioner (Center),
D.A.2, B.S.N.L.Quarters,
Reddiarpalayam,
Pondicherry.