

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4/4/2016

C O R A M

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

Contempt Petition No.170 of 2016

Port and Dock Labour Union
Reg.No.394/MDS
rep. By its General Secretary
R.Santhanam
No.1/675, 1st Street
Muthamizh Nagar
Chennai 600 118.

... Petitioner

Vs

1. Mr.M.A.Bhaskarachar
The Chairman
Chennai Port Trust
Rajaji Salai
Chennai 600 001.

2. Mr.C.Harichandran
The Secretary
Chennai Port Trust
Rajaji Salai
Chennai 600 001.

... Respondents

Petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for their willful disobedience of the order passed in M.P.No.1 of 2015 in W.P.No.34521 of 2015 dated 29/10/2015.

For petitioner

...

Mr.K.M.Ramesh

for M/s.Samanta and Ston

For respondents

...

Mr.V.Radhakrishnan

Senior Counsel

for M/s.P.Srinivasan

O R D E R

in M.P.No.1 of 2015 in W.P.No.34521 of 2015 dated 29/10/2015.

2. Mr.K.M.Ramesh, learned counsel appearing for M/s.Samanta and Ston would submit that the last working day for the month of October was on 31/10/2015 and the State Bank of India had informed the Management about the cut off date for ECS advice fixed by RBI as 27/10/2015 and had deducted the salary even on 26/10/2015 itself and therefore, the said act is in utter violation of interim order of status-quo passed by this Court and press for appropriate orders.

3. Per contra Mr.V.Radhakrishnan, learned Senior Counsel assisted by Mr.P.Srinivasan appearing for the respondents has invited the attention of this Court to paragraph No.8 of the counter affidavit that in the light of E.C.S advice given to the State Bank of India, as per the norms fixed by Reserve Bank of India, necessary advice was given to disburse the salaries of the employees of Chennai Port-Trust, on 26/10/2015 i.e, three days prior to the interim order and since this Court has also granted an order of status-quo prevailing on 29/10/2015 and that the disbursement of salary was effected even three days prior, no contempt has been made out and hence prays for dismissal of this Contempt Petition.

4. This Court has heard the rival submissions made on either side and perused the materials available on record.

5. In the light of the stand taken by the respondents, as stated above, in paragraph No.8, of the counter affidavit, this Court is of the view that interim order passed by this Court is

not violated. However, it is made clear that the deduction of one day salary by the respondents/Management, is subject to the result of the writ petition.

6. In view of the above, this Contempt Petition is closed.

mvs.

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/20/05/2016

1. One CC to M/s.Samanta & Ston, Advocate SR.4415
2. One CC to M/s.P.Srinivasan, Advocate SR.4315

सत्यमेव जयते

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