

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Cont.P.Nos.1862 to 1867 of 2016

Contp.Nos.1862 of 2016

- 1.G.Kannan
- 2.J.Alagesan
- 3.T.Durai Kaliyamoorthy
- 4.A.Stephenraj
- 5.K.Kathiravan
- 6.K.Vijayanand
- 7.S.Ponnambalam
- 8.R.Karunakaran
- 9.P.Sakthivel ...Petitioners in Cont.P.Nos.1862 of 2016
- V.Durairajan ...Petitioner in Cont.P.No .1863 of 2016
- P.Antonisamy ...Petitioner in Cont.P.No.1864 of 2016
- 1.S.Gubendiran
- 2.N.Muruganandam
- 3.R.Tamilselvan
- 4.B.suresh kannan ...Petitioners in Cont.P.Nos.1865 of 2016
- B.Selvam ...Petitioner in Cont.P.No.1866 of 2016
- 1.S.Kalaivanan
- 2.M.Balaguru
- 3.K.Tamilvanan
- 4.L.Sekar
- 5.M.Ramesh Kumar
- 6.R.Thirumaran
- 7.R.Srinivasan
- 8.V.Tamilarasan
- 9.V.Ashok Kumar
- 10.M.Sathyadoss
- 11.B.Thiyagarajan
- 12.T.subramanian
- 13.M.Mathivanan
- 14.K.Durai Raj ...Petitioners in Cont.P.Nos.1867 of 2016

-Vs-

1.Mr.A.V.Ravi

The Chief Engineer/Personnel
Tamil Nadu Electricity Board,
114, Anna Salai, Chennai - 600 002.

2.Mr.V.Chandrasekar

The Superintending Engineer,
Nagapattinam Electricity Distribution Circle,
Nagapattinam. ... Respondents in all contempt Petitions

Contempt Petition filed under Section 11 of the Contempt of Court Act to punish the respondents jointly and severally for flouting and disobeying the order dated 02.03.2016 passed in W.P.No.7677 of 2016 and for abusing the process of this Court.

For Petitioners : Mr.M.R.Kuyilan
(In all Contps')

For Respondents : Mr.Ananda Gopalan
(In all Contps')

COMMON ORDER

These contempt petitions have been filed alleging willful disobedience of the orders and directions issued in W.P.Nos.7674 to 7679 of 2016, dated 02.03.2016. By the said order, the writ petitions filed by the contempt petitioners were disposed of with the direction to the respondents to consider the representations dated 14.12.2013, 06.04.2015, 13.07.2015 and 27.12.2015, respectively signed by the petitioners as well as through their association and pass orders on merits and in accordance with law and if there is no challenge to the orders passed by the fourth respondent in the writ petition, viz., the Inspector of Labour, Nagapatinam

District, necessary steps to be taken for implementation of the order, within a period of three months from the date of receipt of a copy of the order.

2. It is not in dispute that the Electricity Board, challenged the order passed by the Inspector of Labour, Nagapatinam District, by way of Writ Appeal and the same was dismissed before 2009. However, the petitioners herein had approached this Court in the year 2016, stating that the order of Inspector of Labour passed in 1999, has not been implemented.

3. *Prima facie*, this Court was of the view that Electricity Board has been dragging on the matter and therefore, directed notice to be issued in the contempt petitions. Mr. Ananda Gopalan, learned Special Government Pleader appearing for the respondent Board submitted that there is no willful disobedience of the orders and directions issued by this Court in W.P.Nos.7674 to 7679 of 2016, as the representations have been disposed of by order dated 10.01.2017 and copy of the same has been placed before this Court. Thus the first limb of the directions issued in the writ petition has been complied with though belatedly, the second limb of the directions is to take necessary steps for implementation of the order passed by the Inspector of Labour, if it has not been put to challenge. As noticed above, a challenge to the order of

Inspector of Labour had failed. Therefore, as on date, the order of Inspector of Labour is in force.

4. In such circumstances, it has been seen as to whether, the conduct of the respondents is willful disobedience of the order and directions of 02.03.2016. On a perusal of the order dated 10.01.2017, passed by the Superintending Engineer, Nagai Electricity Distribution Circle, Nagapattinam District, on the representation of the individual petitioners, it is seen that there were totally 31 persons had approached the Inspector of Labour and obtained orders for conferring the permanent status and one among the 31 persons, the respondent Board had offered employment to one employee by name Mr.Prasanna, who is the petitioner in W.P.No.7679 of 2016. But in respect of the others, a specific stand has been taken that for nearly 12 years, none of them had approached the authorities and for the first time in 2016, they sought for direction to implement the order of the Inspector of Labour.

5. In the light of the said fact, this Court is of the view that there is no willful disobedience of the orders and directions issued in the writ petitions and since the respondent has passed an order on the representations dated 10.01.2017, liberty is granted to the petitioners to challenge the order and raise all contentions and none of the observations made in this order will prejudice the rights of the petitioners.

6. With the above directions and observations,
contempt petitions stand closed.

Sd/-
JOINT REGISTRAR (OS)

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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format.

SM/CO/10/04/2017

To

- 1.Mr.A.V.Ravi
The Chief Engineer/Personnel
Tamil Nadu Electricity Board,
114, Anna Salai, Chennai - 600 002.
- 2.Mr.V.Chandrasekar
The Superintending Engineer,
Nagapattinam Electricity Distribution Circle,
Nagapattinam.

One CC to Mr.T.S.Gopalan,Advocate,Sr.No.635/2017)
One CC to Mr.M.R.Kuyilan,Advocate, Sr.No.656/2017)