

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07..04..2017

Coram

The Honourable Mr.JUSTICE S.NAGAMUTHU

Contempt Petition No.342 of 2016

S.Vivekanandan

... Petitioner

-Versus-

Shri.R.Rangarajan,
Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam Railway Station New Road,
Kumbakonam 612001.

... Respondent

Petition filed under Section 11 of the Contempt of Courts Act, praying to punish the respondent for having willfully disobeyed the order of this court dated 27.03.2012 made in W.P.No.7484 of 2004.

For Petitioner : Mr.K.P.P.Raja Raja Chozan

For Respondent : Mr.K.Venkatraman, AAG
Assisted by Mr.P.Pramasivam

ORDER

Seeking to punish the respondents for the alleged disobedience of the order of this court dated dated 27.03.2012 made in W.P.No.7484 of 2004, the petitioner has come forward with this contempt petition.

2. The petitioner was working as a conductor under the 2nd respondent. A disciplinary proceeding was initiated against him during the year 1996 and ultimately, he was dismissed from service by order dated 18.11.1997. As against the same, he raised an Industrial Dispute in I.D.No.74 of 1998 before the Labour Court, Chennai. The Labour Court, passed an award on 09.10.2003 thereby setting aside the order of dismissal and reinstating him in service with continuity of service. The Labour Court also awarded back wages from the date of dismissal till date of reinstatement in service. As against the said order, the respondent/contemnor filed a writ petition in W.P.No.7484 of 2004. By order dated 27.03.2012, this court allowed the writ petition in part thereby setting aside only direction for payment of back wages. This court, however, confirmed the

award of the labour directing reinstatement of the petitioner in service with continuity of service. The grievance of the petitioner is that though the said order of this court was dated 27.03.2012, the respondent/contemnor has not so far complied with the same. Thus, according to the petitioner, the respondent has willfully disobeyed the order of this court and thus, committed contempt.

3. This contempt petition has been pending from the year 2015. The respondent appeared through counsel on service of notice. But, he has not complied with the order in the writ petition.

4. Today, when the matter was taken up, the learned Additional Advocate General Mr.K.Venkataramani appearing for the respondent / contemnor submitted that as against the order dated 27.03.2012 made in W.P.No.7484 of 2004, an intra court appeal has been filed. He would further submit that in view of the appeal preferred, the order has not been complied with.

5. I have considered the above submission carefully.

6. As I have already pointed out, the occurrence which led to the initiation of the disciplinary proceeding against the petitioner was on 25.11.1996; he was dismissed from service on 18.11.1997, the Industrial Dispute was raised in the year 1998, the award of the labour court in the industrial dispute was on 09.10.2003, the writ petition was filed by the respondent as against the said award of the labour court was of the year 2004 which was disposed of only on 27.03.2012; and the contempt petition was filed on 21.07.2015, but, so far, the order in the writ petition has not been complied with by the respondent/contemnor. There is no material placed before this court to show that any appeal has been preferred on time before the Division Bench.

7. In view of the above narration of facts, I am firmly of the view that the respondent has got no regard for law and has got no respect for the award passed by the labour court and the order passed by this court. Thus, he has committed a very serious contempt and therefore, he is liable to be punished.

8. Today, the respondent/contemnor has not made

appearance despite his name has been printed in the cause list. In view of the above undisputed facts, I hold him guilty of contempt and accordingly, I am inclined to punish the contemnor.

9. So far as the quantum of punishment is concerned, I invited the learned Additional Advocate General to make his submission. The learned Additional Advocate General submitted that order would be complied with. He has got no more submission regarding the quantum of punishment.

10. In view of the above, the contempt petition is allowed. I hold the respondent / contemnor guilty and accordingly, I impose a punishment simple imprisonment for fifteen days and to pay a fine of Rs.3,000/- [Rupees Three Thousand only] in default to suffer rigorous imprisonment for three days.

11. At this juncture, the learned Additional Advocate General again submitted that the order would be complied with on or before 12.04.2017.

12. In view of the fervent request made by the learned Advocate General, this order is kept in abeyance till 12.04.2017.

Call this matter on 12.04.2017 for reporting compliance.

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S.NAGAMUTHU.J.,

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S.NAGAMUTHU,J.,

Today, when the contempt petition came up for hearing, Mr.K.Elangovan, Son of Kuppusamy, the present General Manager, Tamil Nadu State Transport Corporation (Kumbakonam) Limited, Kumbakonam Region, filed an affidavit wherein he has stated that the order in W.P.No.7484 of 2004 dated 27.03.2012 has been complied with. In fact, a Xerox copy of the proceedings of the General Manager in Reference Ku.Aa No.132/PaPi-E2/TNSTC(Ku)/2017 dated 10.04.2017 has been produced. Thus, according to the General Manager, the petitioner has been reinstated in service in pursuance of the order in the writ petition. He has also tendered an unconditional apology.

2. I believe that the apology tendered by the present General Manager is sincere. Therefore, I am inclined to accept the same and as such, in terms of Section 12(1) of The Contempt of Courts Act, 1971, I am inclined to remit the punishment awarded.

S.NAGAMUTHU.J.,

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3. **In the result**, the contempt petition is disposed of remitting the punishment imposed on the respondent/contemnor and accordingly he is set free.

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