

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

Contempt Petition Nos.1397 to 1402 of 2017

J.Mahesh

... Petitioner in C.P.1397/17

R.Saravanan

... Petitioner in C.P.1398/17

Senthilvelan

... Petitioner in C.P.1399/17

R.Alagiri

... Petitioner in C.P.1400/17

A.Gopalakrishnan

... Petitioner in C.P.1401/17

Rajininath

... Petitioner in C.P.1402/17

Vs

P.G.Gopi,
Superintending Engineer,
Tamil Nadu Electricity Generation &
Distribution Corporation Ltd.,
Tiruvannamalai.

... Respondent in all C.P.s

Contempt Petitions filed under Section 11 of the Contempt of Courts Act, praying to punish the respondent herein for the disobedience of the orders of this Hon'ble Court in Contempt Petition No.2510 of 2016 in W.P.No.16402 of 2016 dated 23.12.2016, Contempt Petition No.2511 of 2016 in W.P.No.16841 of 2016 dated 23.12.2016, Contempt Petition No.2512 of 2016 in W.P.No.16842 of 2016 dated 23.12.2016, Contempt Petition No.2515 of 2016 in W.P.No.16845 of 2016 dated 23.12.2016, Contempt Petition No.2513 of 2016 in W.P.No.16843 of 2016 dated 23.12.2016 and Contempt Petition No.2514 of 2016 in W.P.No.16844 of 2016 dated 23.12.2016, respectively.

For Petitioner : Mr.N.Suresh
in all C.P.s

For Respondent : Mr.Anand Gopalan
in all C.P.s for M/s.T.S.Gopalan
Associates

COMMON ORDER

Heard Mr.N.Suresh, learned counsel for the petitioners and Mr.Anandha Gopalan, learned Standing Counsel for the respondent-Tamil Nadu Electricity Board.

2.These Contempt Petitions have been filed alleging willful disobedience of the order and direction passed in Contempt Petition Nos.2510 to 2514 of 2016.

3.The said Contempt Petitions were filed alleging willful disobedience of the order and direction issued in the Writ Petitions in W.P.No.16402 of 2016, W.P.No.16841 of 2016, W.P.No.16842 of 2016, W.P.No.16845 of 2016, W.P.No.16843 of 2016 and W.P.No.16844 of 2016, respectively. The said Writ Petitions were filed by the petitioners seeking for a direction upon the respondent-Board to implement the order passed by the Inspector of Labour, Tiruvannamalai and absorb the petitioners in the respondent-Board as permanent employees, were disposed of at the admission stage by directing the respondent-Board to consider the representation submitted by the petitioners. This was not complied with and Contempt Petitions were

<https://hcservices.ecourts.gov.in/hcservices/> filed. The said Contempt Petitions were disposed of by a Common Order dated 23.12.2016, in which, the officials of

the Board, who were present in Court, gave instructions to the then learned Standing Counsel that they will comply with the direction issued by the Court.

4.From the said order, it is seen that the respondent-Board takes a stand that the petitioners did not report the respondent-Board for being absorbed as permanent employees and whoever absorbed were given employment. This submission was vehemently opposed by the learned counsel for the petitioners that the petitioners were repeatedly approaching the respondent-Board and the action of the officials of the respondent-Board were discriminatory. Therefore, the petitioners approached the Labour Court and filed petitions under Section 3 of the Tamil Nadu Industrial Establishments [Conferment of Permanent Status to Workmen] Act, 1981-Permanency Act, in which, orders were passed and that Execution Petitions were filed. The respondent-Board has challenged those orders by filing Writ Petitions which are said to be pending.

5.Considering the fact that the representation given by the petitioners have been considered and an order to the said effect has been passed on 05.10.2017, the petitioners should question the order as to the scope of this Contempt Petition is very limited and in effect, the direction in the Writ Petitions has been complied belatedly.

6.Thus, considering the above facts, these Contempt

challenge the proceedings dated 05.10.2017, by which, the respondent-Board has taken a stand that the petitioners have not reported for duty, after the orders passed by the Inspector of Labour, Tiruvannamalai, granting permanent status to the petitioners.

With the above observations and liberty, these Contempt Petitions are closed.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)
gya

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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CO/21/02/2018

one cc to M/s. T.S. Gopalan & co, SR.No.948.

One cc to M/s. N. Suresh, SR.No.1162.

To.
Superintending Engineer,
Tamil Nadu Electricity
Generation & Distribution Corp.Ltd.,
Tiruvannamalai.

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