

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

Contempt Petition No.1845 of 2017

Carborundum Universal Employees Union,
Rep. by its General Secretary,
13, Jawahar Nagar,
Krishnagiri Road,
1st Street, Near St.Joseph ITI,
Hosur - 635 109. Petitioner

versus

Mr.P.S.Chandrasekar
General Manager - Manufacturing,
Carborundum Universal Limited,
Bonded Abrasives Division,
48, Sipcot Industrial Estate,
Hosur - 635 126. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act 1971 to punish the respondent herein willfully disobeying the order passed by this Court dated 29.06.2017 made in W.M.P.No.14697 of 2016 in W.P.No.17223 of 2016.

For Petitioner : Mr.K.M.Ramesh

For Respondent : Mr.s.Ravi
for M/s.Gupta and Ravi

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ORDER

Alleging that the order dated 29.06.2017 passed by this Court, by which, the members of the petitioner Association were directed to be given the same benefits as that of the others, subject to the same protection under the settlement, was violated by the respondent, the present contempt petition has

2. The settlement was entered with the majority union by the respondent, being Management. It was agreed by the majority members of the petitioner. The settlement was under Section 18(1) of the Industrial Dispute Act, 1947. Therefore, the petition was filed by the respondent before the Tribunal. Having found the majority union accepted it, the Tribunal decreed the settlement as valid and made it binding on the petitioner. This was challenged by way of writ petition before this Court.

3. After hearing the argument, this Court passed an interim order, directing the respondent to give the same benefit as given to others, under the settlement, subject to the same protection by the members of the petitioner.

4. From the records filed by the respondent, it appears that the members of the petitioner wanted to stick on the other settlement with respect to the production, as against the new one. That stand was taken in the affidavit filed in support of the writ petition, though it was subsequently changed at the time of passing the order.

5. Records also indicate that the respondent was continuously putting the members of the petitioner on notices stating that they are not acting in terms of new settlement to pay protection. The notice was issued by the respondent on 14.08.2017, giving the particulars, which indicate that the

production contract achieved by the other employees has not been reached by the members of the petitioner. Thus, the production chart was also given in the said notice. It was specifically indicated that the failure of the members of the petitioner in giving production as per the settlement dated 28.11.2013, would warrant contempt of the order passed by this Court.

6. The learned counsel appearing for the petitioner submitted that the new settlement, which is the subject matter of this writ petition, is not an individual specific.

7. The learned counsel appearing for the respondent, based upon the notice displayed in the notice board followed by notices issued, submitted that a petition was filed under Section 29 of the Industrial Dispute Act, before the competent authority about the non compliance of the order by the petitioner.

8. It is further submitted by the learned counsel appearing for the respondent that clause 3.1. has not been complied with. The learned counsel also relied upon the affidavit filed by the petitioner in this regard, wherein, a specific contention has been raised that members are in a position to work only as per the prior settlement and not the one which is under challenge.

9. Considering the above, this Court does not find willful disobedience of the order passed by this Court by the

respondent. The order passed by this Court is very specific. The entitlement would come only on giving production on par with others and in tune with the settlement arrived at under Section 18(1) of the Act, dated 28.11.2013.

10. Accordingly, the Contempt Petition is closed.

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SD/-
ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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CO/06/04/2018

To

Mr.P.S.Chandrasekar
General Manager - Manufacturing,
Carborundum Universal Limited,
Bonded Abrasives Division,
48, Sipcot Industrial Estate,
Hosur - 635 126.

one cc to Mr.K.M.Ramesh, Advocate, Sr.No.2513

One cc to M/s.Gupta & Ravi, Advocate, Sr.NO.2794