

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

Cont. Petition No.566 of 2012
and Sub Application No.179 of 2012

E.Harikrishnan .. Petitioner

vs.

S.Vijayakumaran,
The Chief Administrative
Officer (Construction),
Southern Railway,
Egmore, Chennai - 8. .. Respondent

Petition filed under Section 11 of Contempt of Courts
Act to punish the respondent herein for deliberate
violation of the orders of this Court in M.P.No.3 of 2011
in W.P.No.15413 of 2011 dated 15.11.2011.

For Petitioner .. Mr.V.Govardhanan
for M/s.Row and Reddy

For Respondent ... Mr.A.Thiagarajan,
Sr. Counsel
for Dr.S.R.Sundaram

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ORDER

Alleging that the order passed by this Court in
M.P.No.3 of 2011 in W.P.No.15413 of 2011 dated 15.11.2011
has not been complied with, the present contempt petition
has been filed.

2. When the matter is taken up for hearing, learned senior counsel appearing for the respondent would submit that insofar as payment of wages under Section 17B of the Industrial Disputes Act, 1947, is concerned, the same has been complied with. As against the deposit of backwages as ordered by this Court, a writ appeal has been filed in W.A.No.886 of 2012. The said writ appeal was dismissed for default, after granting an interim order initially. Thereafter, an application was filed and restoration was ordered on terms. The conditional order has also been complied with and thereafter, the matter has not been posted.

3. Learned counsel appearing for the contempt petitioner would submit that the contempt petition may be kept pending, awaiting order on merits, before the Division Bench.

4. This Court is not inclined to keep the contempt petition pending. Admittedly, there is restoration of the writ appeal. Law is quite settled that when main case is restored, the interim order, which was pending at that time would also get restored automatically. Inasmuch as the writ appeal has been filed against ordering deposit of backwages and stay has been obtained, this Court is of the view that no useful purpose would be served in keeping the contempt petition pending as admittedly, the other direction for payment of 17B wages is being complied with. Thus, the

contempt petition stands closed. Consequently, connected sub application is closed.

5.It is made clear that the payment of 17B wages, as undertaken by the learned senior counsel for the respondent, will have to be made strictly as per the order passed by this Court.

SD/
ASSISTANT REGISTRAR (Commr.Cases)
mmi

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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