

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2019

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.283 of 2019

Krishnamurthy Sivakumar,
S/o.Krishnamurthy Rajagopal,
Flat No.46, 50 Unnamalai Ammal Street,
T.Nagar,
Chennai 600017.

... Petitioner

Vs.

- 1.Tmt.M.Shanthi,
The Special Joint Commissioner of Labour-I
Appellate Authority under
The Tamil Nadu Shops and Establishments Act
Chennai - 600 006.
- 2.The Management of Cognizant Technology Solutions
Private Limited,
Represented by its Vice-President-Human Resources
New No.365, Old No.110
Menon Eternity Building,
St.Mary's Road, Alwarpet,
Chennai - 600 018

... Respondents

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the 1st Respondent for disobeying the order dated 28.06.2018 in W.P.No.15829/2018 passed by this Hon'ble High Court.

For Petitioner : M/s.Rohini Ravikumar

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader for R1

Mr.G.Anand
for M/s.T.S.Gopalan & Co. for R2

ORDER

The Contempt Petition is filed to punish the respondents for the willful disobedience of the orders of this Court dated 28.06.2018 passed in W.P.No.15829 of 2018.

2.The grievances of the writ petitioner is that a direction was issued to the respondents by this Court on 28.06.2018 to consider the appeal filed by the writ petitioner in T.S.E.No.1/01/2016 on merits and in accordance with law and by providing reasonable opportunity to all the parties concerned and pass orders as early as possible preferably within a period of four Months from the date of receipt of a copy of this order.

3.The learned counsel appearing on behalf of the respondents made a submission that after passing of the order by this Court, the Contempt petitioner had filed an Interlocutory Application in I.A.No.6/2018 to direct the Appellate Authority to receive and mark the additional documents submitted by the writ petitioner. On account of the fact the the Interlocutory Application filed, the 1st respondent was not in a position to dispose of the main appeal filed by the writ petitioner in T.S.E.No.1/01/2016.

4.It is further contended by the learned counsel appearing on behalf of the 2nd respondent / Management that the Contempt Petitioner frequently obtained adjournments before the 1st respondent without any valid reason. The adjournments sought for by the writ petitioners are narrated hereunder:-

(1) 23.07.2018

(2) 09.11.2018

(3) 07.12.2018

(4) 26.02.2019

5.Now, the matter is listed for final arguments on 29.04.2019. This being the factum, the Contempt Petitioner ought not to have chosen to file the Contempt Petition. After the directions issued by this Court, the Contempt Petitioner filed an Interlocutory Application before the 1st respondent and filed a Contempt Petition simultaneously. Such a conduct of the Contempt Petitioner is deprecated. When the adjournments are granted at the instance of the Contempt Petitioner, he cannot blame the 1st respondent by stating that the 1st respondent has not disposed of the appeal within the time limit prescribed by this Court.

6.It is further brought to the notice of this Court

respondent. Against the order, another writ petition is also filed.

7.This being the factum of the case, the respondents have not committed any Contempt of Court willfully and therefore, this Court has no hesitation in coming to the conclusion that the Contempt Petition is devoid of merits and accordingly, stands dismissed. However, there shall be no order as to costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Sm/17/05/2019

To

1. The Special Joint Commissioner of Labour-I
Appellate Authority under
The Tamil Nadu Shops and Establishments Act
Chennai - 600 006.