

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Cont.P.No.652 of 2019

K.Alfred Petitioner in Person

Vs

A.Anbu Abraham
Managing Director
Metropolitan Transport Corporation
Pallavan Salai
Chennai - 600 017. Respondent

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for disobeying the order passed by this Court on 29.11.2018 in W.A.No.1441 of 2017, u/s 11 of the Contempt of Court Act, 1971.

For Petitioner : Mr.K.Alfred (Party-in-Person)

For Respondent : Mrs.Rajini Ramdoss

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner appearing as party-in-person, alleging non-compliance of the judgment dated 29.11.2018 made in WA.Nos.1325, 1326 and 1441 of 2017, especially in paragraph No.28, has come forward to file this contempt petition.

2. The petitioner/party-in-person has drawn the attention of this Court to paragraph No.28 of the judgment made in WA.Nos.1325, 1326 and 1441 of 2017 and would submit that in the light of the plea taken by petitioner/appellant, this Court has taken note of the submissions made by the learned counsel for the Management that whatever dues the party-in-person is legally entitled, will be disbursed to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. Despite such an undertaking being given by the respondent counsel, the terminal benefits due and payable to him, have not been disbursed and as such, the respondent/contemnor is guilty of willfully disobeying and violating the said order and hence, prays for appropriate orders.

3.1 Per contra, Mrs.Rajini Ramadoss, learned counsel appearing for the respondent/contemnor has drawn the

attention of this Court, to the affidavit of compliance dated 31.10.2019, filed by the respondent, and would submit that a sum of Rs.2,00,000/- was deposited before the Labour Court to the credit of ID.No.289/2011, in compliance of the order dated 30.09.2015 made in W.P.No.18058/2015 and W.P.No.18301 of 2015, and in the appeal preferred by the respondent-Corporation, in W.A.Nos.1325 and 1326 of 2017, this Court has directed the respondent / contemnor to deposit the balance enhanced compensation to the tune of Rs.3,00,000/- in a fixed deposit scheme in any one of the Nationalised Banks, and the same has also been complied with and after disposal of the said writ appeals, a cheque bearing No.929898 dated 09.04.2018 for a sum of Rs.3,00,000/- drawn on Indian Overseas Bank, Chennai, was deposited in the Indian Bank, High Court Branch, Chennai, favouring the Registrar General.

3.2 It is the submission of the learned counsel appearing for the respondent that whatever the orders passed by the Labour Court as well as by this Court in W.A.Nos.1325, 1326 & 1441 of 2017, have been complied with and as such, it is not open to the petitioner to make an allegation as to the non-compliance of the orders passed by the Courts and prays for closure of this

contempt petition.

4. This Court has considered the rival submissions and also perused the materials placed before it.

5. The writ appeals arise out of the award passed in ID.No.289/2011. Admittedly, the Labour Court, instead of ordering reinstatement of petitioner, thought fit to award compensation and the said award was put to challenge by the Management, which ended in dismissal and this Court has disposed of the appeals filed against the said dismissal, and enhanced the compensation and affirmed the award passed by the learned Single Judge in enhancing the compensation from Rs.2,00,000/- to Rs.5,00,000/-. The affidavit of compliance dated 31.10.2019, would also disclose that the modified award passed by the learned Single Judge in WP.No.18058, 18301 & 31205 of 2015, which came to be confirmed in the W.A.Nos.1325 & 1326 of 2017, have been complied with.

6. The primordial submission made by the petitioner/party-in-person is that for the years of service being put in by him, as an employee of the respondent-Management, he is entitled to have the terminal benefits and other benefits.

7. In the considered opinion of the Court, the said plea made by the petitioner/party-in-person may give him

an independent cause of action and the same cannot be considered and adjudicated before this Court, in exercise of the contempt jurisdiction and there is no willful disobedience or violation in the orders of this Court in W.A.No.1441 of 2017, as alleged by the petitioner/party-in-person.

8. In the result, this contempt petition is closed. If the petitioner is so advised, it is always open to him under law, to work out the remedy available to him, before the competent forum, and also subject to delay, laches and limitation.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

ds

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/28/11/2019

To:

Managing Director
Metropolitan Transport Corporation
Pallavan Salai, Chennai - 600 017.