

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

Contempt Petition No.1024 of 2018

against
M.P.No.3 of 2014
in
W.P.No.6187 of 2014

1.S.Ravi

2.K.Sundararajan

3.M.David Kumar

4.C.Rajangam

5.R.Ramachandran

6.S.Anandha Kumar

7.V.Jagadeshan

... Petitioners

-vs-

Dev Anand Vijayan, Executive Director,
The Management of Sri Karthikeya Spinning
and Weaving Mills Pvt. Ltd.,
Formerly known as Perur Engineering Products,
No.6/256, Avinashi Road, Coimbatore.

.. Respondent

Petition under Section 11 of the Contempt of Courts
Act, 1971 to punish the respondent for the non-compliance
of the order passed in M.P.No.3 of 2014 in W.P.No.6187 of
2014 dated 31.03.2015.

For Petitioners : Mr.A.Deivasigamani

For Respondent : Mr.Anand Gopalan
For M/s.T.S.Gopalan & Co.

ORDER

This contempt petition is filed to punish the respondent for the wilful disobedience of the orders passed by this Court in M.P.No.3 of 2018 in W.P.No.6187 of 2014, dated 31.03.2015.

2.The learned counsel for the contempt petitioners made a submission that the 17-B wages as ordered by this Court has not been paid to the petitioners.

3.The contention of the learned counsel for the respondent-Management is that all along they are ready and willing to reinstate the contempt petitioners in their unit, which is being run in Coimbatore.

4.The learned counsel for the respondent states that the contempt petitioners were initially working at Coimbatore unit and they were transferred to Gobichettipalayam unit, but the petitioners refused to join at Gobichettipalayam. Again the Management was willing and ready to provide job at Coimbatore unit itself.

5.Today, the learned counsel for the respondent-Management filed an affidavit dated 18th October, 2019 stating that on 16.10.2019, the petitioners/workmen came to the mills and contended that unless they paid higher salary as claimed by them, they will not report for work. The

Management informed the workmen that they will be paid

wages as they are eligible and also informed that the question of payment of wages would arise only after they work for 30 days. Accordingly, the workmen were advised to join duty at the first instance, if they are not engaged elsewhere and join duty without getting into an argument with the Management with regard to the quantum of wages. However, the workmen did not listen the advice of the Management and left the premises abruptly. On the same day, a communication was addressed/sent to the workmen about the incident occurred on 16.10.2019. Ye another letter dated 17.10.2019, was also sent to all the workmen advising them once again to report for duty and also explained about their payment of wages.

6. Even in the affidavit now filed before this Court, the Management has stated that the workmen can report for duty even now and they will be paid wages that they are eligible. Under these circumstances, this Court is of the considered opinion that the petitioners are not willing to report for duty. If at all they are willing to report for duty, even now they can do so, as per the affidavit now filed by the Management before this Court in this contempt petition.

7. An employee even before joining duty cannot quarrel regarding the fixation of wages. The Management has also stated that only after working for 30 days, they are

entitled for wages. Contrarily, the workmen picked up arguments with the Management and left the premises. Under these circumstances, this Court is of the considered opinion that the workmen are not entitled for 17-B wages, as the very conduct would pave way for drawing a factual inference that they are employed elsewhere. In other words, the factual inference to be drawn in such circumstances is that the workmen are not interested in reporting for duty, as they would have employed elsewhere. This being the facts and circumstances of the case, this Court is of the opinion that the contempt petitioners have not made out any case for invoking the jurisdiction of Contempt of Courts Act, 1971 and there is not wilful disobedience as such on the part of the Management.

8. With the above observations, this Contempt petition stands dismissed. No costs.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

abr

//Certified to be true copy//

Dated at Madras this the day of 2019.

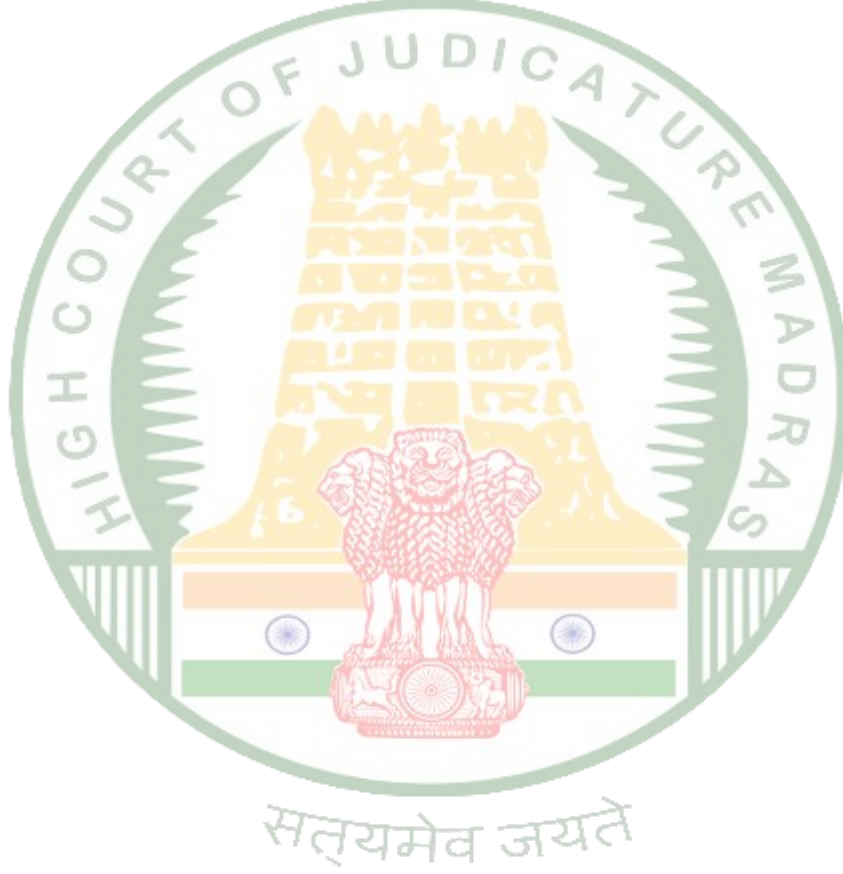
COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

Smi/07/11/2019

To

The Executive Director,
The Management of Sri Karthikeya Spinning
and Weaving Mills Pvt. Ltd.,
Formerly known as Perur Engineering Products,
No.6/256, Avinashi Road, Coimbatore.



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