

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.1522 of 2015

P.Perumal

...Petitioner

..Vs..

P.Sekar.,
Joint Director (Indl.Co-Ops)/Managing Director,
Management of Salisbury Industrial Co-operative
Tea Factory Limited,
Gudalur, Nilgiris - 643 212

...Respondent

Contempt petition filed under Section 11 of the
Contempt of Courts Act, 1971 praying to punish the
respondent for wilfully disobeying the orders of this Court
dated 03.04.2013 made in W.P.No.38222 of 2003.

For Petitioner : Mr.M.Velumurugan

For Respondent : Mr.V.R.Kamalanathan

ORDER

The Contempt Petition is filed to punish the
respondent for willfully disobeying the order of this Court
dated 03.04.2013 in W.P.No.38222 of 2003.

2.This Court passed an order on 03.04.2013 as follows;

*"6.I have carefully considered the rival
submissions and also perused the typed set of
papers, It is not in dispute that the second*

respondent was initially appointed as temporary worker and thereafter he was made permanent and thereafter, he was promoted as gardener to maintain the tea plants planted and growing in the nursery attached to the petitioner's factory. From the perusal of the records it is open that the second respondent has been retrenched from the service of the petitioner's factory without affording an opportunity of personal hearing. Further, even though if the gardener work is not available in the petitioner's factory, since the petitioner's factory comes under the co-operative society, instead of retrenching the second respondent, the petitioner ought to have given him protection of job by providing him an alternative work in the office of the petitioner's factory or some other factory coming under the control of the Co-operative Society. The Labour Court without considering these aspects, has awarded only backwages, to the second respondent, which is hereby modified and the petitioner is directed to give job protection to the second respondent as provided under Section 17(b) of the ID Act. At the same time, if there is no vacancy, he can be decided even for reversion to the original post in which he has been initially appointed by the petitioner/management. The said exercise shall be completed by the petitioner within a period of one month from the date of receipt of copy of this order. At the same time, the petitioner is not supposed to place the second respondent below

his junior.

*7.The writ petition is dismissed. No costs.
The award of the Labour Court is modified to the
extent indicated above."*

3.The grievance of contempt petitioner was that the order passed by this Court on 03.04.2013 has not been complied with. When the matter was called on 25.09.2019, the learned counsel appearing on behalf of the respondent made a submission that they are ready to settle the amount without any further delay and on that day the Managing Director was also present along with cheque. Accordingly, a sum of Rs.2,84,585/- was settled in favour of the contempt petitioner on that day.

4.The learned counsel appearing on behalf of the petitioner states that there is a difference in calculation of the settlement amount. If there is no specific orders in the writ petition regarding the quantum of amount to be settled. The amount settled now is as per the calculation made by the respondent/Management. Thus, in the event of claiming any difference, it is left open to the contempt petitioner to approach the competent Forum for adjudicating those issues. However, this Court cannot adjudicate the quantum of claim now set out by the contempt petitioner in

this Contempt Petition.

5.This apart, the entitlement of the contempt petitioner also cannot be adjudicated in a contempt proceeding as far as the orders of this Court dated 03.04.2013 is concerned. The respondents have calculated the amount and settled a sum of Rs.2,84,585/- and under these circumstances, the respondents have not committed any contempt as such and the Contempt Petition stands closed.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)
mrm

//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/22/10/2019

WEB COPY

To

Joint Director (Indl.Co-Ops)/Managing Director,
Management of Salisbury Industrial Co-operative
Tea Factory Limited,
Gudalur, Nilgiris - 643 212.