

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 14.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Cont.P.No.1879 of 2018

J. Rajan ... Petitioner

Versus

Dr.Ishari K.Ganesh
The Management of Vaels Educational
Trust, Malliga Nagar, Old Pallavaram,
Chennai 600 117. ... Respondent

Prayer: Contempt Petition filed under Section 11 of the
Contempt of Courts Act, 1971, against the respondent for
having willfully disobeyed the directions given by this
Court dated 19.12.2017 made in Writ Petition No.29451 of
2010.

For Appellant : Mr. M. Gnanasekar

For Respondent : M/s.V.Meenakshi Sundaram

ORDER

This Contempt Petition is filed against the order made
in W.P.No.29451 of 2010 dated 19.12.2017, wherein the
respondent was directed to reinstate the petitioner in
service with 50% backwages and with continuity of service.

2.The learned counsel for the petitioner states that the petitioner was previously working at Old Pallavaram and he seeks to re-appoint the petitioner in the same place, where he had already worked.

3. The learned counsel for the respondent states that the entire unit was transferred to Navalur and at present, there is no unit functioning at Pallavaram. Therefore, they are unable to provide employment to the petitioner in Old Pallavaram and that they are ready and willing to give conveyance charges to the petitioner, if he accepts to work at Navalur unit.

4. I heard Mr.M.Gnanasekar, learned counsel for the petitioner and Mr.V.Meenakshi Sundaram, learned counsel for the respondent and perused the entire materials available on record.

5.It is the case of the petitioner is that as per the orders of the Labour Court and this Court, the Writ Petition in W.P.No.29451 of 2010, dated 19.12.2017, the respondent in compliance of the order to reinstated the petitioner into the service as a Labour Assisant, but in spite of posting the petitioner in the Old Pallavaram Unit, they have posted

the petitioner in the Navalur Unit.

6.As per the orders of the Labour Court and this Court, the petitioner ought to have re-instated into the service in the same place, whereas the respondent purposely posted the petitioner at Navalur Unit, which is totally disobedience of the orders passed by this Court.

7.On the other hand, the respondent represented that though the petitioner was appointed as Labour Assistant in the particular Department, now the said Department was shifted to Navalur Unit. Therefore, as on date, there is no Department in Old Pallavaram Unit. Therefore, for compliance of the orders passed by the Labour Court and this Court, the petitioner was re-instated into the service and posted only at Navalur Unit.

8.The respondent also agreed that though the petitioner ought to have posted only at Old Pallavaram, because of the non availability of the Department of the Old Pallavaram Unit. The petitioner was posted at Navalur Unit and the respondents are ready to pay the conveyance charges to the petitioner for his work at Navalur Unit.

9.Once the Department itself shifted from Old Pallavaram to Navalur, the petitioner cannot claim as a matter of right to posted at Old Pallavaram Unit only, where the Department itself is not available, he cannot be posted in the same place. Now, the petitioner has accepted that he is ready and willing to work at Navalur Unit, if the respondent paying the conveyance charges to the petitioner, which was also agreed by the respondent.

10.Apart from this, the learned counsel for the petitioner represented that though originally the pay was fixed before dismissed from service of the petitioner that the pay should be revised after the order passed by the Labour Court and this Court, but they have not properly fixed the pay to the petitioner and also not paid the proper arrears of the salary by way of re-fixing the salary. Hence, he is ready to go before the Labour Court for claiming the re-fixation of pay and other relief.

11.Recording the submissions made by the learned counsel for the petitioner as well as the learned counsel for the respondent, I am inclined to pass the following orders.

12.In the result:

(a) this Contempt Petition is closed;

(b) the petitioner is directed to continue the service in the Navalur Unit and the respondent is directed to pay the conveyance charges as per Rule to the petitioner;

(c) the petitioner is giving liberty to approach the Labour Court for re-fixation of pay and other relief, if any.

With the above observations, this Contempt Petition is closed. No costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

smn/vs

//Certified to be true copy//

Dated at Madras this the day of 2019.

सत्यमेव जयते

COURT OFFICER (O.S.)

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PS/20/02/2019

To

The Management of Vael's Educational Trust, Malliga Nagar, Old Pallavaram, Chennai 600 117.