

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2019

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.646 of 2018

1.L.Balakrishnan
2.M.Manikandan
3.P.Karthikeyan
4.G.Pongurusamy
5.P.Sathishkumar
6.P.Sugumar
7.C.Lakshmanan
8.M.Anbalagan

... Petitioners

Vs.

1.Mr.L.S.Palanisamy
The Chief Engineer,
Mettur Thermal Power Station-1,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Mettur Dam.
2.Mr.S.Sedialagan,
The Superintendent Engineer (Operations)
Mettur Thermal Power Station-1,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Mettur Dam.

... Respondents

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for committing gross contempt of this Hon'ble Court by wilfully disobeying the order of this Hon'ble Court made in W.M.P.No.25360 of 2016 in W.P.No.18765 of 2016.

For Petitioners : Mr.S.Doraisamy

For Respondents : Mr.Anand Gopalan
For M/s.T.S.Gopalan for R1 & R2

ORDER

The present contempt petition is filed to punish the respondents for willful disobedience of the order passed by this Court W.M.P.No.25360 of 2016 in W.P.No.18765 of 2016.

2.This Court passed an interim order on 12th July 2017 and the same is as follows:-

"2. The learned counsel appearing for the respondent/writ petitioner contented that all the petitioners /respondents in the writ petition will be engaged on contract basis and they will not be ousted from service till the final order is passed in this writ petition. To substantiate his contention, he has taken me into the affidavit filed by one Mr.V.Udhayakumar, Superintending Engineer (Operations) of the Superintending Engineer on 5th April 2017 at Para No.1 of the affidavit, which is extracted hereunder:

"1. I state that the Writ Petition has been filed challenging the order of the 1st respondent granting permanency to the 22 respondents. It has been alleged that of the 22 respondents, work has been denied to 10 persons alone. I state that the 22 persons are working with different contractors. As and when contracts are floated, the successful tenderers engage the required number of persons. In fact, even as per the Respondent's affidavit, C.Lakshmanan and M.Anbalagan were not engaged for certain period and thereafter they have been engaged (Refer para

10 of the respondent's affidavit). Whereas as on date, they are once again unemployed, as the tender of the contractor who engaged them has come to an end."

3. In view of the affidavit filed in this regard, no further orders are required and all the petitioners /respondents will be engaged continuously and paid the required wages as per the terms of the contract employment till the final decision is taken in this writ petition. Accordingly, this petition alone is closed."

4.The said interim order was passed based on the affidavit filed by the Superintending Engineer, stating that 22 persons are working with different contractors. As and when contracts are floated, the successful tenderers engage the required number of persons.

5.The learned counsel now appearing on behalf of the respondents states that as of now, there is no work to engage the writ petitioners and whenever the necessity arises, the petitioners will be considered for providing an appointment on contract basis.

6.This being the submission made, this Court is of the considered opinion that the respondents cannot be punished for their willful disobedience with reference to the interim order passed by this Court on 12th July 2017.

However, the issues raised in the writ petition can be adjudicated at the time of final hearing of the writ petition along with the connected matters.

7.This being the factum, the Contempt Petition stands closed. No costs.

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SD/-
ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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