

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Contempt Petition No.2262 of 2017

Trichy Padalur Tollways Private Limited
Sy.96, Opp.to Sowmiya Nagar
Chennai Main Road, Samayapuram
Trichy 621 112
rep by its Chief of Operations & Maintenance
Mr.Sivanesan Perumal

.. Petitioner

-vs-

1. T.M.Murthi
President
Tamil Nadu General Workers Union
2/1, Kovur Vaithinadan Street
Chintadripet, Chennai 600 002

2. B.Rajamanickam
Vice President
Tamil Nadu General Workers Union
2/1, Kovur Vaithinadan Street
Chintadripet, Chennai 600 002

3. K.Ravi
General Secretary
Tamil Nadu General Workers Union
2/1, Kovur Vaithinadan Street
Chintadripet, Chennai 600 002

4. P.Periyasamy
Tamil Nadu General Workers Union
rep.by its Honorary President
2/1, Kovur Vaithinadan Street
Chintadripet, Chennai 600 002

.. Respondents

Petition under Section 11 of the Contempt of Courts
Act, 1971 praying to punish the respondents for wilful
disobedience of the order of this Court dated 26.10.2017

For Petitioner :: Ms.Inthu Karunakaran
For Respondents :: Mr.Balan Haridas

ORDER

This contempt petition has been filed by the Trichy Padalur Tollways Private Limited represented by its Chief of Operations and Maintenance, complaining the violation of the order passed by this Court dated 26.10.2017 and specifically alleging that when there was an order directing the members of the fourth respondent Union not to resort to any strike till further orders, they have issued a notice on 7.12.2017 and also partially stopped the work. Therefore, the conduct of the members of the fourth respondent amounts to clear breach of the order. Hence, action be taken.

2. After taking notice, Mr.Balan Haridas, learned counsel for the respondents has filed a counter affidavit dated 27.6.2018 stating that the members of the Union are not indulging in any strike or slow-down of work. In the reply legal notice dated 15.12.2017, this aspect also has been made clear, because no public has ever made any complaint against any slow down or any agitation. It is also stated in the same counter affidavit that the

allegations made by the petitioner in the affidavit are vague and only for prolonging the issue. In any event, if this Court comes to the conclusion that the respondents have committed contempt, their unconditional apology may be accepted. Again Mr.K.Rajagopalan, General Secretary of the fourth respondent Union has filed an additional affidavit stating that there is no justification or bona fides on the part of the petitioner in filing the above contempt petition, for the reason that after due negotiations, a settlement dated 6.12.2018 was reached under Section 12(3) of the Industrial Disputes Act, 1947. After the issues were settled, there is absolutely peace prevailing and the workers are also working smoothly and are discharging their work which is expected of them. When the Union is also cooperating with the management for the smooth functioning of the toll plaza, the contempt petition be closed.

3. The learned counsel for the petitioner also stated that after reaching of settlement under Section 12(3) of the Industrial Disputes Act, 1947 between the petitioner management and the union in the presence of the Conciliation Officer, all the workers are smoothly working and they are discharging their work.

4. In view thereof, both the parties are directed to adhere to the terms of the settlement for the smooth functioning of the toll plaza. With this observation, the

contempt petition stands closed. Consequently, Sub Application Nos.438 & 439 of 2017 are also closed.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

SS

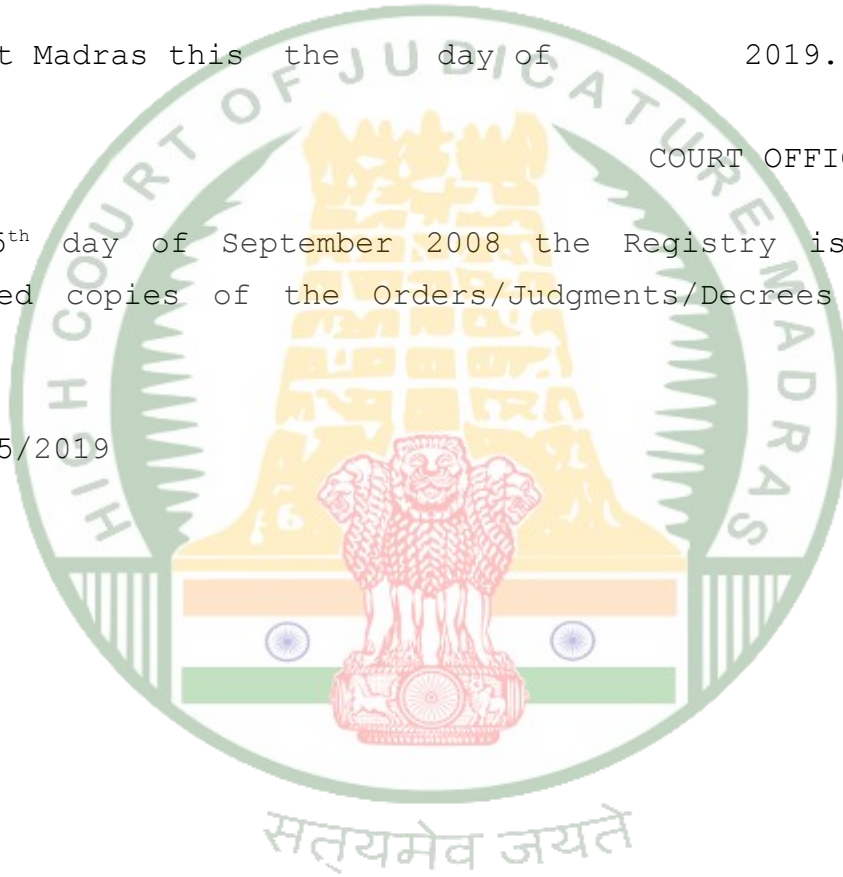
//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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SM/07/05/2019



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