

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-09-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.2498 of 2018
in
W.P.No.18666 of 2010

Munusamy .. Petitioner

vs

Mr.M.Baskar,
Commissioner,
Cheyyar Panchayat Union,
Cheyyar,
Vellore District. .. Respondent

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for his willfull and deliberate disobedience of the order dated 08.12.2017 passed by this Court in WP No.18666 of 2010.

For Petitioner : Mr.V.Ajoy Khose
For Respondent : Mr.M.Elumalai,
Government Advocate.

O R D E R

The present contempt petition is filed to punish the respondent for for his willful and deliberate disobedience of the order of this Court dated 08.12.2017 passed in W.P.No.18666 of 2010 and the relevant paragraphs

9 and 10 are extracted as under:-

"9.This Court is in full agreement with the submissions made by the learned counsel for the first respondent. As extracted above, the Labour Court has given a threadbare finding on the dispute between the workman and the management, after taking note of all the materials and facts placed on record. The findings of the Labour Court are justified and do not warrant interference by this Court. The Labour Court has also given a well considered reasoning for the benefit of granting 50% of backwages to the first respondent/workman. On the whole, the award of the Labour Court is a well considered, supported by sound reasoning and materials and therefore, the same does not call for any interference by this Court.

10.For the above said reasons, this Court finds no merit in the writ petition and therefore, the same is dismissed. The petitioner Union is directed to implement the award of the Labour Court dated 07.10.2009, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected

miscellaneous petition is closed."

2. Accordingly, the Award of the Labour Court is confirmed.

3. The learned counsel appearing on behalf of the respondent made a submission that the workman has already been reinstated in service and the backwages, as ordered, also have been settled.

4. The learned counsel for the petitioner agreed the fact that he is reinstated in service and the backwages are paid. However, the petitioner raised an objection that the pay, as applicable to the regular employees, is yet to be paid and the workman is now being paid the salary of the daily wage employee.

5. However, these factors cannot be adjudicated in the contempt proceedings and the High Court order is that the writ petition was dismissed, confirming the award of the Labour Court. If the Labour Court award provides any such facts, then the workman is at liberty to approach the Court concerned for the execution of the Award in consonance with the provisions of the Industrial Disputes Act.

6. With this liberty and observations, the contempt petition stands closed. However, there shall be no order as to costs.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

svn

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/27/11/2019

To

Commissioner,
Cheyyar Panchayat Union,
Cheyyar,
Vellore District.