

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2020

CORAM

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Cont.P. Nos.2697 & 2698 of 2013

B.Devanesan ..Petitioner in Cont.P.No.2697/2013

G.Rajaganapathy ..Petitioner in Cont.P.No.2698/2013

Vs

Mr.Anandha Padmanaban,
The General Manager, (Administration)
The Metropolitan Transport Corporation Chennai Limited
Rep.by its General Manager,
Pallavan Illam, Pallavan Salai,
Chennai-600002.

..Respondent in both
contempt petitions

Prayer: Contempt Petition is filed under Section 11 of Contempt Act, pleaded to punish the Respondent for willfull disobedience of the order passed by this Hon'ble Court dated 02.08.2004 passed in W.P. No.8947 of 2001.

For Petitioner : Mr.R.Y.George Williams
in both petitions
For Respondents : Mr.K.Moorthy

ORDER

The learned counsel for the petitioners would submit that the respondent had not complied with the order of this Court dated 02.08.2004 till date, therefore the present contempt petitions.

2. The learned counsel for the respondent would submit that the against the said order of this Court dated 02.08.2004, the Managment Transport Corporation filed a Writ Appeal before the Hon'ble Division Bench of this Court in W.A.No. 1731 of 2005. He would further submit that during the pendency of the said Writ Appeal, a tripartite settelement was entered into between the management and the third party under Section 12(3) of the Industrial Dispute Act, 1947. In view of the settlement arrived at between the parties, the writ appeal was dismissed as withdrawn. Subsequently, the other union has filed a contempt petition in C.P.No.313/2008 agaisnt the instant writ petition with the same set of allegation. The said contempt petition was dismissed by this Court. Therefore, the present contempt petition is also liable to be dismissed.

3. It is contended by the petitioner that the Union had not acted for the benefit of the petitioner, therefore the petitioner had not received any benefits as per the order made by this Court.

4. Considering the facts and circumstances of the case and in view of the fact that pending writ appeal, a settlement was arrived at between the parties and due to the settlement, the said writ appeal was dismissed as withdrawn. Further, it is to be noted that the union is also a party in the said writ appeal. Therefore, it is clear that the contempt is not made out and the present contempt petition is liable to be dismissed.

5. Accordingly, these contempt petitions are dismissed. No costs. liberty is given to the petitioner to challenge the settlement entered in C1/18591/02, dated 31.08.2005. This Court made it clear that management shall not disturb the employment of the petitioner and take any revenge as against the petitioner.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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