

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

L.P.A.No.4 of 2019
and
C.M.P.No.20190 of 2019

Tmt.Uma Maheswari,
Management,
Kumbakonam Municipality,
(Presently The Regional Director of
Municipal Administration,
Thanjavur Region,
Thanjavur. ..Appellant/Respondent

Versus

Stalin Josephraj (Died)
1.Tmt.N.Leema Rose
2.The Principal Secretary to Government,
Municipality Administration and Water
Supply Department,
Fort St.George, Chennai.
[R3- Suo Motur impleaded vide Court order
dated 28.11.2019 made in C.M.P.No.20190/2019
in LPA.No.4/2019] .. Respondents/Petitioners

Prayer:- Letters Patent Appeal filed under Clause XV of the
Letters Patent, against the order dated 24.06.2019 in Contempt
Petition No.1521 of 2018 passed by Honourable Mr.Justice
P.N.Prakash.

For Appellant : Mr.P.Srinivas

For Respondents : Mr.S.N.Ravichandran

JUDGMENT

[Order of the Court was made by T.S.SIVAGNANAM, J.]

We have heard Mr.P.Srinivas, learned counsel for the appellant and Mr.S.N.Ravichandran, learned counsel for the respondent.

2. This appeal by the Kumbakonam Municipality is directed against the order dated 24.06.2019 in Contempt Petition No.1521 of 2018, wherein the following direction has been issued to the appellant Municipality:

"10. The Kumbakonam Municipality / respondent is directed to calculate the arrears of backwages, as if the deceased Stalin Josophraj was appointed as Technical Assistant, including the increments that would have been given to him from time to time."

3. It is argued by Mr.P.Srinivas, learned counsel for the appellant that the Court has directed computation of arrears of backwages, being an amount, which is more than the entitlement of the deceased employee, because the deceased employee was appointed in an Urban Development Scheme and therefore, the question of paying arrears of backwages and grant of increments from time to time does not arise.

4. We have heard Mr.S.N.Ravichandran, learned counsel for the respondent on the above submission. We are unable to agree with the contention advanced by the appellant Municipality for more than one reason. Firstly, the Labour Court in its award in I.D.No.53 of 96 dated 31.12.2002, considered the very same contentions advanced by the appellant Municipality with regard to the post to which the deceased employee was appointed. After taking into consideration the number of days, which the employee had worked during the years 1992, 1993 and 1994, the Labour Court rejected the contentions of the Management that the employee was not a regular employee of the Municipality. After holding so, relief of reinstatement with all benefits has been granted. This finding rendered by the Labour Court has been affirmed by this Court in W.P.No.19020 of 2005 filed by the appellant Municipality, challenging the award of the Labour Court and the same was dismissed by order dated 27.02.2017. Therefore, the appellant Municipality cannot raise the very same contention once again, especially when they are facing a direction issued in contempt petition. Therefore, there are no grounds made out by the appellant to interfere with the direction issued in Contempt Petition No.1521 of 2018 dated 24.06.2019. Consequently, the Letters Patent Appeal is dismissed and the appellant Municipality is directed to comply with the directions on or before 27.11.2020. No costs. Consequently,

connected miscellaneous petition is closed.

5. Post the Contempt Petition No.1521 of 2018 before the learned Single Bench on 30.11.2020 for Reporting Compliance.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To
The Principal Secretary to Government,
Municipality Administration and Water
Supply Department,
Fort St.George, Chennai.

Copy To

The Section Officer,
Contempt Section,
High Court, Madras-104.
(For listing the Contempt Case under the Caption
for Reporting compliance on 30/11/2020)

+1cc to Mr.S.N.Ravichandran, Advocate SR.No.35077

+1cc to Mr.P.Srinivas, Advocate SR.No.35172

सत्यमेव जयते

L.P.A.No.4 of 2019

CA (CO)
GMY (20/11/2020)

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