

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2020

CORAM

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

Cont.P.No.1829 of 2019

R.Muthukumar

..Petitioner

Vs.

1.Mr.Gopala Parthasarathy
General Manager
CMA CGM Agencies(I) Pvt.Ltd.,
4th Floor, Seshachalam Centre
636/1, Anna Salai,
Nandanam,
Chennai-600 035.

(In the place of the District Manager
A.P.L.India Private Ltd.,
(Formerly known as NOL India Private Ltd.,)
1st Floor
Seshachalam Centre
636/1, Anna Salai, Nandanam
Chennai-600 035].

2.Mr.Ugo Vincent
Chief Executive Officer
CMA CGM Agencies(I) Pvt.Ltd.,
India Bulls Finance Centre
Tower-3, 8th Floor
Senapati Bapat Marg
Elphinstone Road(West)
Mumbai-400 013.

[In the place of the Managing Director
A.P.L.India Private Ltd.,
(Formerly known as NOL India Private Ltd.,)
India Bulls Finance Centre
Tower-3, 8th Floor
Senapati Bapat Marg
Elphinstone Road(West)
Mumbai-400 013].

...Respondents

Prayer : Contempt Petition filed under Section 11 of Contempt of Courts Act, 1947, to punish the respondents herein for their willful disobedience of order made in W.P.N.o.25926 of 2016 dated 27.09.2018.

For Petitioner : Mr.S.Sathia Chandran

For Respondent : Mr.M.Vijayan
For M/s.King & Partridge

O R D E R

The contempt petition is filed to punish the respondents for willful disobedience of the orders passed by this Court on 27.09.2018 in W.P.No.25926 of 2016.

2. This Court passed an order in W.P.No.25926 of 2016 dated 27.09.2018 and the relevant paragraphs are extracted hereunder:

"6. The petitioner has claimed 18% interest for the overtime wages due from the date on which they fell due. Considering the long period for which the litigation was pending for which respondents alone cannot be blamed and also considering the delay on the part of the petitioner in approaching the court, respondents 1 and 2 are directed to pay interest at the rate of 6% per annum, on Rs.80,505.97 (rounded off to Rs.80,506/- the overtime wages) for the period of ten years. This amount shall be paid within a period of two weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs."

3. The learned counsel appearing on behalf of the respondent filed a calculation regarding the payment made to the contempt petitioner. Accordingly, the respondent has already paid an amount of Rs.80,506/- along with interest for 10 years at the rate of 6% per annum amounting to Rs.48,303/-. A total sum of Rs.1,28,809/- had already been paid to the contempt petitioner by the respondent.

4. The learned counsel for the petitioner states that the interest for belated payment is also to be paid, in

view of the fact that there is a delay of about one year in settling the amount, as per the orders passed by this Court. The said interest is also to be paid to the petitioner. This Court is of the opinion that such disputes regarding the calculation cannot be adjudicated in this contempt proceedings. If at all, the petitioner wants to establish any right in this regard, he is at liberty to do so in the manner known to law.

5. With these directions, the contempt petition stands closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

ssb

//Certified to be true copy//

Dated at Madras this the day of 2020.

सत्यमेव जयते

COURT OFFICER (O.S.)

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SMI/29/01/2020