



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2021

CORAM

THE HONOURABLE **MR. JUSTICE N. ANAND VENKATESH**

Contempt Petition No.223 of 2021

Tmt.R.Malarkodi,
Assistant Commissioner of Labour(Enforcement),
Tirupur

.. Petitioner

vs.

1.Mr.Nanagopal, I.A.S,
The Commissioner of Labour,
O/o.the Commissioner of Labour,
Chennai-6.

2.Mr.Divyanathan,
Joint Commissioner of Labour,
Salem.

.. Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act,1971, to punish the respondents for their willful disobedience of the order of this Hon'ble Court made in W.P.No.2680 of 2020 dated 06.02.2020.

For Petitioner : Mr.M.Liyagatali

For Respondents : Mr.K.Kumaresh Babu
Additional Advocate General
Assd. by:
Mr.E.Balamurugan
Special Government Pleader

ORDER

WEB COPY

This contempt petition has been filed for the alleged violation of the orders passed by this Court in W.P.No.2680 of 2020 dated 06.02.2020.

2.The order passed by this Court was also confirmed by the Hon'ble Division Bench in W.A.No.341 of 2021. The grievance of the petitioner is that the respondents did not conduct an enquiry within the time stipulated by this Court and in spite of filing a petition seeking for extension of time, they proceeded to conduct an ex parte enquiry without giving an opportunity to the petitioner and a report has also been forwarded to the Government.

3.The learned counsel for the petitioner submitted that one last opportunity may be given to the petitioner to participate in the enquiry and some time limit can also be fixed. The learned Additional Advocate General appearing on behalf of the respondents submitted that the respondents had to proceed further with the ex parte enquiry since the petitioner had refused to participate in the enquiry. It was further submitted that the report has already been forwarded to the Government for passing appropriate orders.



4. Taking into consideration the facts and circumstances of the case and also of the fact that the respondents were not able to conduct an enquiry within the time stipulated by this Court due to the pandemic situation and after considering the orders passed by the Hon'ble Division Bench in W.A.No.341 of 2021, this Court deems it fit to direct the respondents to conduct an enquiry by giving opportunity to the petitioner. Ultimately, a copy of the report shall be served on the petitioner to enable her to give her explanation and thereafter it can be forwarded to the Government and this Court will fix a time limit for the completion of the proceedings.

5. In view of the above, the respondents are directed to issue a fresh notice to the petitioner and call for an enquiry. The enquiry shall be completed within a period of four weeks from the date of first hearing. It is made clear that if the petitioner does not co-operate for the enquiry, the respondents shall proceed further with the report that is already available and the explanation given by the petitioner. This stipulation is given only to ensure that the petitioner does not once again delay the enquiry. On the completion of the enquiry, a copy of the report shall be furnished to the petitioner and the petitioner shall immediately give her explanation and thereafter the same can be forwarded to the Government. The entire process



shall be completed within a period of three months from the date of receipt of copy of this order.

4.This contempt petition is disposed of with the above directions.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

kp

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/19/05/2021

To

1. The Commissioner of Labour,
O/o.the Commissioner of Labour,
Chennai-6.
- 2.The Joint Commissioner of Labour,
Salem.