



WEB COPY

Cont.P.No.516 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **15.04.2021**

CORAM :

THE HONOURABLE **MR.JUSTICE S.VAIDYANATHAN**

Cont.P.No.516 of 2021

M.Velu,
No.5, KandapodiLane,
Salem Road, Kallakurichi,
Villupuram District

... Petitioner

Vs

Ms.Malathi,
Special Officer,
M/s.Kallakurichi Co-operative Sugar Mills,
Moongilthuraipet,
Kallakurichi

... Respondent

Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, 1971, pleased to punish the respondent for willfully disobeying the order dated 20.08.2019 passed in W.P.No.38448 of 2003.

For Petitioner

: Mr.Kalyanaraman for
M/s.Aiyar and Dolia

ORDER

The Contempt Petition has been filed against the respondent to punish her for wilfully disobeying the order dated 20.08.2019 passed in W.P.No.38448 of 2003.



2. According to the petitioner, as the order of this Court made in

W.P.No.38448 of 2003, dated 20.08.2019 has not been complied with, the petitioner has not got the benefit of the Award of the Labour Court in I.D No.49 of 1992, dated 10.06.2003.

3. This Court cannot go beyond the scope of the Order in Writ Petition. In view of the Hon'ble Supreme Court in the case of **The Life Insurance Corporation of India vs. D.J.Bahadur and Others**, reported in **1980 AIR 2181**, wherein it had held that the Award or the Settlement would continue to be in force, till such time the same is substituted by another Award or Settlement.

4. It is made clear that if any complaint is made by the Workman under Section 29 of the Industrial Disputes Act, 1947, the persons who are falling under Section 32 of the Industrial Disputes Act, 1947, need to be prosecuted and the Government shall sanction prosecution taking note of the decision of Apex Court in the case of **Rajkumar Gupta vs. Lt. Governor, Delhi** reported in **1997 (1) LLJ 994**. Once the prosecution is launched, the appropriate criminal court is expected to take up the matter and it shall proceed with the matter on a day-to-day basis without adjourning the matter beyond fifteen working days at any point of time so as to bring the issue to a logical end. It is further made clear that if the admitted amount is not paid, it



Cont.P.No.516 of 2021

is open to the Workman to seek remedy under Section 33C(1) of the Industrial Disputes Act, 1947 in view of the decision of the Apex Court in the case of *Fabril Gasosa vs. Labour Commissioner*, reported in (1997) 3 SCC 150 and in case of disputed amount, the computation lies only by invoking Section 33C(2) of the Industrial Disputes Act, 1947.

5. In view of what is stated supra, this Contempt Petition is closed and the petitioner shall work out his remedy in the manner known to law in the light of the observation made herein-above. No costs.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

vum

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
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GS/07/07/2021