



Cont.P.No.668 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED :01.07.2021

CORAM

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

Contempt Petition No.668 of 2021

- 1.L.Balakrishnan,
128-61-A-10, Ponnagar,
Mettur Dam – 1,
Salem District
- 2.M.Manikandan,
5A/130A, Amman Nagar,
Mettur Dam – 1,
Salem District
- 3.P.Karthikeyan,
D.No.2, NMC Colony,
Gandhinagar,
Salem Camp(P.O.),
Mettur Dam, Salem District
- 4.G.Pongurusamy,
D.No.87/64B,
Pannadikattuvalavu,
P.N.Patty,
Salem Camp(P.O.),
Mettur Dam, Salem District
- 5.P.Sathishkumar,
1/6A, 8A, Saroja Theatre Near 1CH,
Mettur Dam - 1, Salem District
- 6.P.Sugumar,
6-135 A3, Amman Nagar,
Mettur Dam – 636 401, Salem District



7.M.Anbalagan,
D.No.109/36, Koolaiyur,
Sangilimuniappan Kovil(via),
Thermal(P.O.),
Mettur Taluk, Salem District

...Petitioners

Vs

1.Mr.P.Sathyaseelan,
The Chief Engineer,
Mettur Thermal Power Station- I,
Tamil Nadu Electricity Generation
and Distribution Corporation,
Mettur Dam.

2.Mr.A.P.R.Srinivasan,
The Superintending Engineer (Operations),
Mettur Thermal Power Station,
Tamil Nadu Electricity Generation
and Distribution Corporation,
Mettur Dam.

... Respondents

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, praying to punish the respondents for the willful disobedience of the orders of this Hon'ble Court passed in W.P.No.18765 of 2016 dated 21.10.2019.

For Petitioner	: Mr.V.Elangovan
For Respondents	: Mr.Haroon AL.Rasheed for M/s. T.S.Gopalan & Co.

ORDER

The Contempt Petition is filed to punish the respondents for the willful disobedience of the orders of this Court passed in

W.P.No.18765 of 2016 dated 21.10.2019.



2. This Court passed an order as under:

"3.The learned counsel appearing on behalf of the writ petitioners made a submission that the petitioners are not having any objection for considering the case of the workmen in the light of the terms and conditions as stipulated in B.P.No.9, dated 09.01.2008. In view of the said submission, the learned counsel appearing for the workmen also agreed and filed a memo, stating that the case of the workmen may be considered by the writ petitioners in terms of B.P.No.9, dated 09.01.2008.

4.In this view of the matter, the workmen are permitted to submit fresh representation to the writ petitioners within a period of three (3) weeks from the date of receipt of a copy of this order along with all necessary documents establishing their engagement as contract labourers. In the event of receiving any such representation from the workmen, the writ petitioners are directed to consider the same, in the light of the Board proceedings issued dated 09.01.2008, and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5.In view of the submissions made by the learned counsel appearing on behalf of the workmen, the order passed by the 1st respondent, granting permanent status,



cannot be insisted upon and in the event of considering the case of the workmen in the light of the B.P.No.9 dated 09.01.2008, the orders passed by the Inspector of Labour, Thiruvallur need not be given effect to.

6. Accordingly, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.”

3. Pursuant to the orders of this Court, the petitioners submitted their representation to consider the case for permanent absorption. However, the respondents passed an order in proceedings dated 27.02.202, stating that the representation submitted by the petitioners were received with a request to consider their case in terms of B.P.No.9, dated 09.01.2008. The respondents have stated that the said Board Proceeding would not be applicable to the Thermal Power Stations.

4. This Court is of the considered opinion that however while hearing the writ petition, the learned counsel appearing on behalf of the Board made a submission that the petitioners are not having any objection to consider the case of the workmen in the light of the terms and conditions as stipulated in B.P.No.9, dated 09.01.2008. Such submissions



are generally made before the High Court as the counsel have conceded stating that the Authorities will consider the representations of the workmen. Therefore, the point to be considered is whether the representation submitted by the workmen is considered or not.

5. In the present case, the workmen submitted the representation on 27.10.2017 and the said representation was considered and the Board sent a reply on 27.02.2020 stating that the said Board proceedings passed in B.P.No.9, dated 09.01.2008, would not be applicable to the Thermal Power Stations. If at all, the petitioners are having grievance about such a 3reply given by the respondents, it is left open to the petitioner to adjudicate the matter in the manner known to law. However, this Court cannot arrive a conclusion that the respondents have committed an act of contempt.

6. Accordingly, the Contempt Petition stands closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

pns

//Certified to be true copy//

Dated at Madras this the day of 2021.
COURT OFFICER(O.S.)

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To
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Mettur Dam.
2. The Superintending Engineer (Operations),
Mettur Thermal Power Station,
Tamil Nadu Electricity Generation
and Distribution Corporation,
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