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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Contempt Petition No.952 of 2021

Podhu Thozhilalar Sangam (Regn.No.504/CPT)

Rep.by its General Secretary,

Mr.S. Kannan,

No.77, 2nd Floor, A.J.Complex,

Sriperumbuthur – 602 105.

.. Petitioner/Petitioner

Versus

Mr. R. Kirlosh Kumar, I.A.S.,

The Secretary,

Labour and Employment Department,

State of Tamilnadu,

Secretariat, Chennai - 600 009.

.. Respondent/1st respondent

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, praying to punish the respondent for their wilful and deliberate disobedience of the order of this Hon'ble Court made in W.P. No.25823 of 2019 dated 19.02.2020 causing Contempt of Court.

For Petitioner : M/s K.C. Karl Marx

For Respondent : Mr.K.V. Sajeew Kumar,
Government Counsel.

**ORDER**

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This Writ Petition is filed to punish the respondent for the wilful and deliberate disobedience of the order of this Hon'ble Court made in W.P. No.25823 of 2019 dated 19.02.2020.

2.Learned counsel appearing for the respondent submit that a reference was already made for adjudication of the dispute between the parties. In view of the submission made, the direction of the Writ Court passed in Writ Petition No.2583 of 2019 is deemed to have been complied with.

3.The learned counsel for the petitioner would also submit that the respondent has not passed an order under Section 10 (B) of the Industrial Dispute Act, 1947. The order of the Writ Court does not indicate there is some positive direction to pass an order under Section 10(B) of the said Act. As a matter of fact, it is indicated in that order, that in case, any order has been passed under Section 10(B) of the Act, it should also be extended to the fourth respondent in the writ petition. As such positive direction was not issued for passing an order under Section 10(B) of the Act.

4. In view of the fact that reference has been made, pursuant to the order of the Court, the disobedience alleged by the petitioner cannot be termed as wilful.



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5. Recording the same, the Contempt Petition is closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

klt

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/16.02.2022

To

The Secretary,
Labour and Employment Department,
State of Tamilnadu,
Secretariat, Chennai - 600 009.