



Cont.P.No.991 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Cont.P. No. 991 of 2020

SRF & SRF (Polymers) Employees Union,
Regn.No.821/MDS,
Represented by its General Secretary,
No.11, Bharathiar Street,
Vimalapuram,
Manali, Chennai – 600 068.

... Petitioner

Vs

Ashok Kumar Malhotra,
Vice President-Operations/
Unit Head-TTBM,
SRF Ltd,
Manali, Chennai – 600 068.

... Respondent

Prayer: Petition filed under Section 11 of Contempt of Courts Act, to initiate contempt proceedings against the respondent for their wilful disobedience of this Court's Order dated 22.10.2020 in W.P.No.15478 of 2020 and punish the contemnor.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondent : Mr.Ananda Gopalan

ORDER

This contempt petition has been filed to punish the respondent for alleged wilful disobedience of this Court's Order dated 22.10.2020 in W.P.No.15478 of 2020.

2. The order passed by this Court in W.P.No.15478 of 2020, dated



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“This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.MOHAN for A.SURESH SAKTHI MURUGAN, Advocate for the petitioner and of MR.ANANDA GOPALAN Advocate on behalf of the Respondents the court made the following order:-

Today (22.10.2020) when the case was taken up for hearing, the learned counsel for the employer/fourth respondent appeared and submitted that there is no proposal to terminate services any of the 127 employees of the petitioner's union. None of the employees are to be transferred/relocated to other units of the fourth respondent whether in Tamilnadu and outside Tamilnadu pending further orders.

2. The undertaking of the learned counsel for the fourth respondent stands recorded. Meanwhile, the learned counsel for the petitioner is directed to serve notice on the official respondents. Private notice is also permitted.

3. Post this case on 28.10.2020 for further orders.”

3. The case of the petitioner in this contempt petition is that despite the above order dated 22.10.2020, the management of the respondent company has sent intimation regarding loss of pay and on 30.10.2020, the management of the respondent company sent a letter to the petitioner's union stating that no disciplinary action will be initiated against any of the employee for not joining the transferred place till end of November 2020 and had requested the petitioner's union to join for discussion to be held on 29.10.2020.



4. Though the petitioner has attempted to demonstrate wilful disobedience of this Court's order dated 22.10.2020, it is to be remembered that order dated 22.10.2020 was passed during vacation. The case was adjourned to 28.10.2020 for further orders. No further extension was obtained by the petitioner. Instead of moving the Court, on 28.10.2020 for further order and the petitioner has filed this petition for punishing the respondent for the alleged wilful disobedience of the Court's order. There is no merits in the contention of the petitioner.

5. Order dated 22.10.2020 was for a limited period and was to be in force upto 28.10.2020 only. Therefore, further extension ought to have been obtained from the Court on 28.10.2020. Therefore, I do not find any reasons to conclude that there was any wilful disobedience of this Court's Order dated 22.10.2020 by the respondent. This Contempt Petition is therefore liable to be dismissed and is hereby dismissed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

arb

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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Gs/14/06/2021

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