



Cont.P.No.1026 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

Contempt Petition No.1026 of 2020

Bharat Petroleum Corporation Limited,
Rep., by its General Manager-HR(South),
1, Ranganathan Gardens,
Off: 11th Main Road,
Anna Nagar, Chennai-600 040.

.. Petitioner

-VS-

1.Mr.P.S.Janardhanan,
The General Secretary,
Petroleum Employees Union,
1, Ranganathan Gardens,
Anna Nagar (West),
Chennai-600 040.

2.Mr.M.Sivakumar,
The General Secretary,
Petroleum Workers Union,
C/o.P.B.No.1212 & 1213,
Anna Nagar, Chennai-600 040.

.. Respondents

Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for the wilful disobedience of this Court's Order dated 25.11.2019 in W.M.P.No.33351 of 2019 in W.P.No.32919 of 2019.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.

For Respondents : Mr.Balan Haridas



ORDER

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This contempt petition is filed to punish the respondents for their wilful disobedience of the orders of this Court dated 25.11.2019 in W.M.P.No.33351 of 2019 in W.P.No.32919 of 2019.

2.This Court granted an order of interim injunction restraining the respondents herein from resorting to an illegal strike from 6AM on 28.11.2019 to 6AM on 29.11.2019 pursuant to their strike notice dated 11.11.2019.

3.The learned counsel for the petitioner made a submission that the respondents intentionally violated the orders of this Court, after communication of the interim order passed by this Court. Thus, they are liable to be punished.

4.The first respondent is Mr.P.S.Janardhanan, General Secretary of Petroleum Employees Union and the second respondent is Mr.M.Sivakumar, General Secretary of Petroleum Workers Union. Admittedly, the respondents are the external Union Leaders and they are expected to lead the employees in a lawful manner and by following the regulations and the Conduct Rules as applicable. The respondents, being the external Leaders of the Union, are duty bound to function in a manner prescribed and lead the employees for their welfare and for effective



functioning of the administration. Any misguidance or otherwise by such leaders would certainly affect the integrity of the institution and further result in deterioration of the functioning of any institution. Thus, these Leaders of the Union are bound to guide the employees properly for their welfare and in order to redress their grievances in the manner prescribed under law.

5.It is to emphasis that any misguidance by such leaders of the Union will affect the development of industries in general and therefore, they are expected to be performing their functioning in a lawful manner.

6.It is brought to the notice of this Court that in violation of the orders passed by this Court, a strike was proceeded at the instances of the respondents. However, the respondents individually filed counter affidavit stating that they have no intention to violate the orders of this Court and offered unconditional apology. The Courts are repeatedly holding that mechanical way of filing counter affidavit and seeking unconditional apology cannot be accepted at all times. Violating the orders and thereafter filing counter affidavit seeking unconditional apology is insufficient to form an opinion. The intention is to be identified with reference to certain factual inference to be drawn considering the conduct of the parties and the manner in which the orders are violated. Thus, this Court is of the considered



opinion that mechanical approach in contempt petition is undesirable and the facts and circumstances are to be considered on case to case bases.

7.Considering the fact that the issues are resolved and the petitioner-Corporation is functioning peacefully and also considering the COVID-19 pandemic situation, this Court is inclined to accept the unconditional apology offered by the respondents and they should not resort to such violation or illegality in future and in such an event, the petitioner is at liberty to initiate appropriate action.

8.With the above findings, this contempt petition stands closed. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

abr

//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