



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CONT.P.(MD)No.154 of 2021 in

W.P.(MD)No.22777 of 2018

M.Alphonse

... Petitioner/Petitioner

Vs.

Md.Nasimudin, I.A.S.,
Secretary,
Government of Tamil Nadu,
Labour and Welfare Department,
Secretariat, Chennai.

... Contemnor/Respondent

Prayer: Contempt petition is filed under Section 11 of Contempt of Courts Act, 1971, to punish the contemnor/respondent for his wilful disobedience of the order of this Court made in W.P.(MD) No.22777 of 2018 dated 14.11.2018.

Prayer in WP(MD). 22777/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the 1st respondent to authorise the 2nd respondent to proceed against the 3rd respondent under section 29 of the Industrial Disputes Act for breach of Award passed in I.D.No.66 of 2003 dated 26/06/2009 and C.P.No.155 of 2016 12/04/2017 on the file of Labour Court, Tirunelveli by considering the petitioners representation dated 24/10/2018.

For Petitioner	: Mr.S.Sivakumar
For Respondent	: Mr.M.Rajarajan, Additional Government Pleader.

O R D E R

Contending that the order passed by this Court on 14.11.2018 in W.P.(MD)No.22777 of 2018 has not been complied with, this contempt petition has been filed.

2. The matter pertains to the issue of certain monetary benefits to the petitioner in terms of the award passed in I.D.No.66 of 2003 on the file of the Labour Court, Tirunelveli. I had directed the Government to pass appropriate orders on the petitioner's representation.

3. Today, the petitioner wanted prosecution to be initiated for non-compliance of the award. It is only for the Government to sanction the prosecution. When the matter was taken up for hearing, the learned Additional Government Pleader produced copy of the proceedings bearing Na.Ka. No.427/2018 dated 07.04.2021.



4. The Deputy Commissioner of Labour (Conciliation), Nagercoil, would claim that a sum of Rs.5,39,579/- was received by the petitioner towards full satisfaction. Therefore, the question of prosecution may not really arise. However, the petitioner has not yet been served with a copy of the proceedings dated 07.04.2021. The learned Additional Government Pleader agrees to serve a copy of the proceedings at the earliest on the petitioner's counsel. It is for the petitioner to independently question the same in the manner known to law.

5. With this observation and liberty to the petitioner, this contempt petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Secretary,
Government of Tamil Nadu,
Labour and Welfare Department,
Secretariat, Chennai.

+1 CC to M/s.SPL GP (SR-15864[F] dated 15/04/2021)

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W.P. (MD) No.22777 of 2018
09.04.2021

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