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Cont.P.Nos.1252-1254/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 04-11-2022

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CONTEMPT PETITION Nos.1252, 1253 & 1254 of 2022

Cont.Pet.No.1252/2022 :

Hindustan Photo Film Workers' Welfare Centre (CITU)... Petitioner

-VS-

Shri Arun Goel,
The Secretary,
Department of Heavy Industries,
Ministry of Heavy Industries & Public Enterprises,
Government of India,
Udyog Bhavan,
New Delhi – 110 011.

...

Respondent

Cont.Pet.No.1253/2022 :

M/s.Film Factory Workers Union
(affiliated to INTUC)

...

Petitioner

-VS-



Shri Arun Goel,
The Secretary,
Department of Heavy Industries,
Ministry of Heavy Industries & Public Enterprises,
Government of India,
Udyog Bhavan,
New Delhi – 110 011.

...

Respondent

Cont.Pet.No.1254/2022 :

- 1.M/s.Anna Indu Employees Progressive Union
(affiliated to Anna Thozhirchanga Peravai)
- 2.M/s.Indu Employees Progressive Union
(affiliated to Labour Progressive Federation LPF)
- 3.M/s.HPF Staff Union
(affiliated to Bharat Mazdoor Sangh)...

Petitioners

-VS-

Shri Arun Goel,
The Secretary,
Department of Heavy Industries,
Ministry of Heavy Industries & Public Enterprises,
Government of India,
Udyog Bhavan,
New Delhi – 110 011.

...

Respondent

Contempt Petition No.1252 of 2022 has been filed under Section 11 of the Contempt of Courts Act,1971, to initiate contempt proceedings against the respondent for committing wilful disobedience of the order of this Court passed in W.A.No.1370 of 2017, dated 21.06.2018.



Contempt Petition No.1253 of 2022 has been filed under Section 11 of the Contempt of Courts Act,1971, to initiate contempt proceedings against the respondent for committing wilful disobedience of the order of this Court passed in W.A.No.1371 of 2017, dated 21.06.2018.

Contempt Petition No.1254 of 2022 has been filed under Section 11 of the Contempt of Courts Act,1971, to initiate contempt proceedings against the respondent for committing wilful disobedience of the order of this Court passed in W.A.No.1372 of 2017, dated 21.06.2018.

For Petitioner/s in all Cont. Petitions : Mr.Balan Haridas,
for M/s.M.N.Sumathy.

For respondent in all Cont. Petitions : Mr.R.Sankaranaraanan,
Addl. Solicitor General,
assisted by Mr.C.Kulanthivel,
SPC.

ORDER

Petitioners were employees of the Organisations, which were Public Sector Undertakings, and they were called upon by the Management to apply for Voluntary Retirement Scheme, due to loss making by the said Organisations. A Settlement was arrived at between the employer and the employees. Pursuant to the said option of VRS by the employees, some of the benefits were not paid to the employees, which resulted



in filing of Writ Petitions and thereafter Writ Appeals before this Court. Ultimately, a Division Bench of this Court in W.A.Nos.1370 to 1372 of 2017, by an order, dated 21.06.2018, directed the respondent / Department to pay the withheld amounts to the employees within a period of two months. During the pendency of the proceedings, some of the employees died and the settlement benefits were not paid. Therefore, it was directed that the benefits accrued in the Settlement had to be made available to the family members of the deceased employees, by making proportionate calculation. Aggrieved over the said order of the Division Bench, the Department filed Special Leave Petitions vide S.L.P.Nos.5979-5981 of 2019, before the Supreme Court and they were dismissed on 05.05.2022, confirming the order of this Court. Hence, these Contempt Petitions, at the instance of the employees.

2. When the matter is taken up for hearing, Mr.R.Sankaranarayanan, learned Additional Solicitor General, appearing for the respondent, filed a Memo to the effect that pursuant to the orders of this Court in W.A.Nos.1370 to 1372 of 2017, dated 21.06.2018, and the orders passed by the Hon'ble Supreme Court in S.L.P.Nos.5979-5981 of 2019, dated 05.05.2022, the amount has been deposited and the same is ready for disbursal to the employees/claimants.

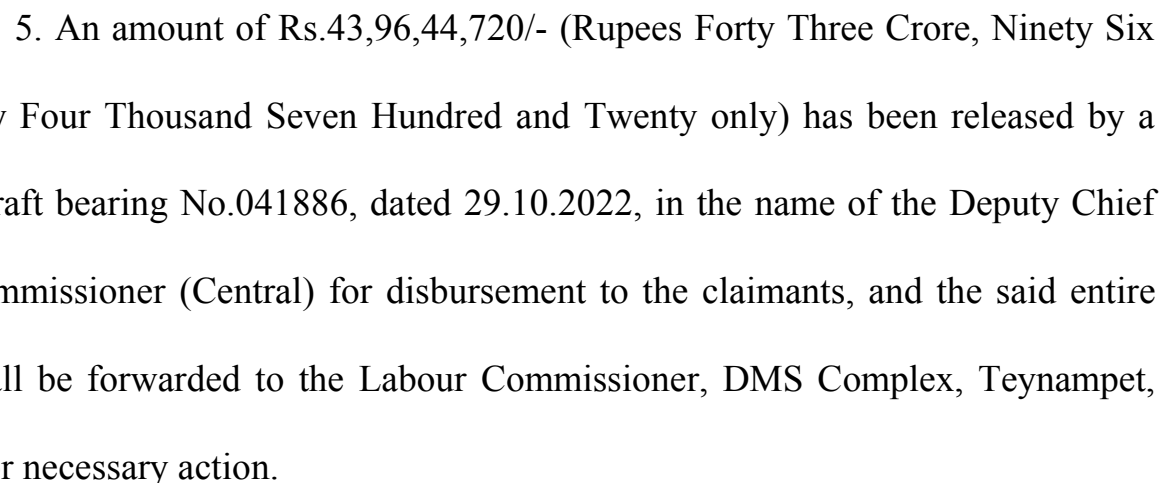


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3. Though it has been brought to the attention of this Court that some of the employees have not been covered by the orders of this Court, it is stated that they approached the Hon'ble Supreme Court; the respondent has complied with the direction of this Court and that the Department has no objection for identifying the employees and disbursing the amount.

4. Registry of the Supreme Court has forwarded a copy of the order of the Ministry of Heavy Industries, Government of India, to the Deputy Chief Labour Commissioner (Central), Ministry of Labour and Employment, Nungambakkam, Chennai, regarding the release of funds to the tune of Rs.43,96,44,720/- and the same is scanned below :





6. This Court makes it very clear that the amount lying in deposit with the Deputy Chief Labour Commissioner (Central), Chennai, shall be transferred to the Labour Commissioner, DMS Complex, Teynampet, Chennai, within a period of one week from the date of receipt of a copy of this order. The Registry of the Apex Court has forwarded the order to the Labour Commissioner, Teynampet, Chennai, Tamil Nadu, as could be seen from the Communication, dated, 13.08.2022. The said communication is scanned below :

S

For the Registrar,
High Court of Judicature at Madras,
Dated: 13.08.2022
To: The Deputy Chief Labour Commissioner (Central), Chennai

From:
The Labour Commissioner,
DMS Complex, Teynampet, Chennai

Subject: Transfer of amount lying in deposit with the Deputy Chief Labour Commissioner (Central), Chennai, to the Labour Commissioner, DMS Complex, Teynampet, Chennai, within a period of one week from the date of receipt of a copy of this order.

Reference: Order of the High Court of Judicature at Madras, dated 13.08.2022.

THE REGISTRAR,
HIGH COURT OF JUDICATURE AT MADRAS, TAMIL NADU.

LABOUR COMMISSIONER, DMS COMPLEX, TEYNAMPET, CHENNAI, TAMIL NADU.

MISCELLANEOUS APPLICATION NO. 1252 OF 2022

IN
PUBLIC INTEREST

[Petitioner: The Government of India, represented by the Secretary to Government, Department of Labour, New Delhi. (S.P.No. 1252 of 2022)]

[Respondent: The Labour Commissioner, DMS Complex, Teynampet, Chennai. (S.P.No. 1252 of 2022)]

For the Government of India, Secretary to Government, Department of Labour, New Delhi.

For the Labour Commissioner, DMS Complex, Teynampet, Chennai.

I am directed to forward a certified copy of the order of the Court as contained in the record of proceedings dated 13.08.2022 to the Labour Commissioner, DMS Complex, Teynampet, Chennai, for the purpose of the said order.

Yours faithfully,
The Registrar



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ASSISTANT REGISTRAR

Contents

1. Mrs. Geetha K. V. (Petitioner), Room 27, Lawyers Chamber Supreme Court of India, New Delhi, Delhi
2. Mr. Anand Kumar (Respondent), Room 78, Central Agency Section, Supreme Court Compound, New Delhi-11 New Delhi, Delhi
3. Mr. S. R. Sankar (Respondent), 328, New Lawyers Chamber, Supreme Court Building, Law Road, New Delhi-11 New Delhi, Delhi

ASSISTANT REGISTRAR

Reply Hear Forward

The Labour Commissioner, DMS Complex, Teynampet, Chennai, shall identify the employees/claimants/family members/legal heirs etc., covered by the orders of the Court, and disburse the amount to the parties within a period of four weeks from the date of receipt of the amount. While identifying the persons, the Labour Commissioner is expected to verify the ID Card, Aadhaar Card, Address proof and such other documents that may be required for accurate disbursement. We have not rendered any finding with regard to the claim of others, whose matters are said to be pending before the Supreme Court.



7. Contempt Petitions are, accordingly, closed. No costs. Consequently, the connected Sub-Application Nos.279 to 281 of 2022 are closed.

Index : Yes/No
Internet : Yes/No
Speaking / Non-speaking Order

(S.V.N.,J.) (M.D.I.,J.)
04-11-2022

dixit

Note to Office :
Issue Order Copy by 09.11.2022

To

Shri Arun Goel,
The Secretary,
Department of Heavy Industries,
Ministry of Heavy Industries & Public Enterprises,
Government of India,
Udyog Bhavan,
New Delhi – 110 011.



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AND
M.DHANDAPANI,J.

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