



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Cont. P. (MD) No.832 of 2021

WEB COPY

Desiya Murpokku TNPL Oppantha

Thozhilalar Sangam (Regn No.99/Karur)

rep. by its President, Pon.Elangovan

18/1 Arasi Nagar (Pugazhi Nagar South)

Velayuthampalayam (P.O.)

Karur District

... Petitioner/Petitioner

Vs.

1.Md.Nasimuddin

Principal Secretary to Government of Tamilnadu

Labour and Employment Department

Secretariat, Chennai 600 009.

2.M.Vallalar

Commissioner of Labour

DMS Complex,

Teynampet,

Chennai

3.M.V.Senthilkumar

Director of Industrial Safety and Health

(formerly Chief Inspector of Factories)

No.47/1 Near Metro Water Roundana

SIDCO Industrial Estate

Guindy, Chennai.

4.C.Malathi

Joint Director of Industrial Safety and Health

Plot No.23 III Street

Khajamalai

Trichy 620 020.

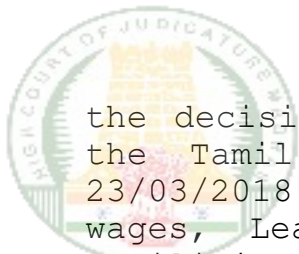
.. Contemnors/Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the contemnors/respondents under Section 11 of Contempt of Court Act, 1971 for their wanton and wilful disobedience of the order dated 16.03.2020 passed by this Court in W.P. (MD) No.4927 of 2020.

Prayer in WP(MD) . 4927 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the 1st, 4th , 5th and 6th respondents to enforce and ensure the implementation of

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the decisions in Clause -4.1 and 4.2 taken at the 50th meeting of the Tamil Nadu State Advisory Contract Labour Board held on 23/03/2018 and to grant all the Statutory Benefits Like Minimum wages, Leave facilities, ESI, EPF, Canteen Facilities, Medical Facilities, Gratuity , Bonus, working hours etc to all the contract laboureres in TNPL, as stated in the Govt., Letter 1(D) NO.542/H1/2018-1 dt 04/10/2019 and the direction issued in the Govt., Letter No.22104/H1/2019-2 dt 27/01/2020 addressed to the 5th and 6th respondents.

For Petitioner : Mr.T.Sakthikumaran

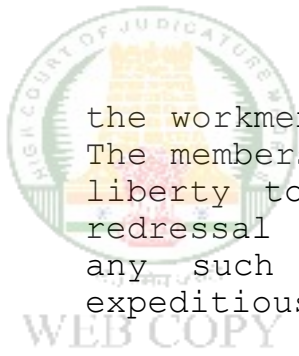
O R D E R

The contempt petition is filed to punish the respondents for their wilful disobedience of the order dated 16.03.2020 passed in W.P.(MD) No.4927/2020.

2. The writ petition was filed by the Desiya Murpokku TNPL Oppantha Thozhilalar Sangam consisting of members, who are all the workmen engaged by the contractors. Based on the terms and conditions of contract, the contractor has to submit necessary proposals for claiming certain benefits with the Tamil Nadu State Advisory Contract Labour Board and thereafter the board has to take a decision.

3. The learned Additional Government Pleader made a submission that the order passed by this Court on 16.03.2020 has been implemented and the board has already taken a decision and such decisions were also implemented by the authorities. However, for complete implementation, the contractors concerned are bound to submit necessary proposals in respect of individual workmen with all other details. The eligibility and other particulars are to be verified by the competent authorities for disbursing the benefits in accordance with the provisions of the Act and Rules.

4. In short, the learned Additional Government Pleader made a submission that the board has taken a decision and the said decision is sought to be implemented in the writ petition. The implementation part is also properly complied with and a compliance report has also been filed. In respect of individual grievance, if any exists, it is for the individual to approach the competent authority for redressal of his grievance. Contrarily, the petitioner sangam cannot file a contempt petition in respect of the individual grievances and there may be 100's of such members and the sangam cannot file 100's of contempt petitions on each and every occasion and as per the compliance report, the decision of the board has been implemented in all respects and in the event of filing the application by following proper procedure, the same will be paid to



the workmen in accordance with the provisions of the Act and rules. The members of the petitioner sangam, who are all aggrieved, are at liberty to approach the appropriate authority under the act for redressal of their grievance in the manner prescribed. If at all any such application is filed, the same can be decided as expeditiously as possible.

The contempt petition stands closed.

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To:

1.The Principal Secretary to Government of Tamilnadu
Labour and Employment Department
Secretariat, Chennai 600 009.

2.The Commissioner of Labour
DMS Complex,
Teynampet,
Chennai

3.The Director of Industrial Safety and Health
(formerly Chief Inspector of Factories)
No.47/1 Near Metro Water Roundana
SIDCO Industrial Estate
Guindy, Chennai.

4.The Joint Director of Industrial Safety and Health
Plot No.23 III Street
Khajamalai
Trichy 620 020.

+1 CC to M/s.A. THIRUMURTHY, Advocate (SR-22139[F] dated 28/04/2022)

+1 CC to M/s.SPL.GP (SR-22354[F] dated 28/04/2022)

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