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Contempt Petition No. 364 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

Contempt Petition No. 364 of 2023

G.Shankar

... Petitioner

-VS-

1. Dr. Sharad Kumar,
Director,
The Airport Authority of India,
Chennai Airport,
Chennai – 600027.

2. D.Muralidharan,
General Manager (Assistant General Manager (HR),
Airport Authority of India,
Chennai Airport,
Chennai – 600027.

3. Arti Ahuja,
Secretary,
Union of India,
Ministry of Labour,
Sharmsakthi Bhawan,
New Delhi.

... Respondents

Prayer:- Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971 to punish the Respondents for their willful disobedience of the order dated 28.04.2022 of this Court made in W.P. No. 10948 of 2018.



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For Petitioner : Mrs. A.L.Ganthimathi,
Senior Counsel
for Mr. AR.Karthick Lakshmanan

For Respondents : Mrs.V.Yamunadevi,
Special Government Pleader

ORDER

Heard Mrs. A.L.Ganthimathi, Learned Senior Counsel assisted by Mr. AR.Karthick Lakshmanan, Learned Counsel for the Petitioner and perused the materials placed on record, apart from the pleadings of the parties.

2. This Contempt Petition is prosecuted for failure of the Third Respondent to comply with the order dated 28.04.2022 in W.P. No. 10948 of 2018 passed by the Court, which reads as follows:-

“5. In view of the foregoing discussion, the following order is passed:-

(i) the Third Respondent in consultation with the Advisory Board constituted under the CLRA Act shall consider the representation dated 20.04.2022 made by the IACWU and after affording opportunity of personal hearing to all parties concerned following the prescribed procedure



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shall take a decision in accordance with law on the demand for abolition of contract labour for packing, loading and works incidental thereto in Chennai Airport and communicate the same by 30.09.2022; and

- (ii) *in the event of Third Respondent issuing the notification for abolition of contract labour in Chennai Airport under Section 10 of the CLRA Act, the First and Second Respondents shall examine the claim made by each of the Petitioners for their regularization in service by conferment of permanent status in terms of the order dated 15.12.1997 in W.P. No. 6126 of 1995 passed by this Court, which has been confirmed by the Hon'ble Supreme Court of India in Civil Appeal No. 2244 of 2002, within a period of 30 days from the date of publication of such notification and inform its outcome to the Petitioners under written acknowledgment."*

3. The Under Secretary to Government of India, Ministry of Labour and Employment by letter dated 28.09.2022 sent to the Chief Labour Commissioner



(Central) with a copy to the Registry of this Court, has stated as follows:-

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“ *The undersigned is directed to refer to the letter No. 22(21) 2022-LS.III dated 16.06.2022 received from CLC(C) enclosing therewith Order dated 28.04.2022 passed by the Hon'ble High Court of Madras on the subject cited WP with request to take necessary action.*

2. *In this connection it is informed that in compliance of the order of the Hon'ble High Court of Judicature at Madras, the matter is considered by the Competent Authority to place before Central Advisory Contract Labour Board (CACLB) in its next meeting.*

3. *It is further informed that, the CACLB was last reconstituted on 29.05.2019 for a period of Three (3) years. **The term of present Board is expired on 28th May, 2022.** The reconstitution of the CACLB is under process and as soon as the CACLB is constituted, the matter will be placed in the next meeting of the Board. The status of the Case will be appraised to the O/o CLC(C) time to time.*



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4. *It is therefore, requested to appraise the same to the Petitioners as well as Hon'ble High Court of Madras on the behalf of this ministry."*

3. In such circumstances, Learned Senior Counsel appearing for the Petitioner seeks permission of the Court to withdraw the Contempt Petition reserving the rights of the Petitioner to take further action after the constitution of Central Advisory Contract Labour Board and work out his remedies before the proper forum in the manner recognized by law. Learned Counsel for the Petitioner has also made an endorsement to that effect in the court record.

4. In fine, the Contempt Petition is closed with the aforesaid clarifications.
No costs.

22.06.2023

kv

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 30.06.2023.

To

1. The Director,



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The Airport Authority of India,
Chennai Airport,
Chennai – 600027.



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2. The General Manager (Assistant General Manager (HR),
Airport Authority of India,
Chennai Airport,
Chennai – 600027.

3. The Secretary,
Union of India,
Ministry of Labour,
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P.D. AUDIKESAVALU, J.

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