



WEB COPY



W.P.No.19285 of 2020  
and W.M.P.Nos.23879 & 23882 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.19285 of 2020  
and W.M.P.Nos.23879 & 23882 of 2020

1.Food Corporation of India,  
Represented by Sri.R.D.Nazeem,  
Executive Director (South),  
No.3, Haddows Road,  
Chennai - 6.

2.Food Corporation of India,  
Headquarters,  
represented by Shri D.V.Prasad,  
Managing Director,  
No.16-20, Barakhamba Lane,  
New Delhi - 1.

... Petitioner

Vs.

State Represented by  
The Labour Enforcement Officer (Central),  
Government of India,  
O/o. the Deputy Chief Labour Commissioner (Central)  
Ministry of Labour & Employment,  
"A" Wing, 5th Floor, Shastri Bhavan,  
Chennai - 6.

... Respondent



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WEB COPY

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the orders dated 22.05.2019 in C.C.No.9/2020 on the file of the II Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioners : Mr.S.Vijayakumar, Senior Counsel

For Respondent : No appearance

### **ORDER**

The petitioner is a statutory Corporation engaged in the activities of procurement, movement of food grains as entrusted by the Government of India from time to time. It is submitted by the writ petitioner Corporation that two labour unions filed a claim petition in I.D.No.39/1992 and another labour union filed a claim petition in I.D.No.55/1993 before the Industrial Tribunal, Chennai. The Industrial Tribunal passed an Award in both the petitions on 19.12.1997 and 29.07.1998, respectively. It was contended by the petitioner that all the labourers covered in I.D.Nos.39/1992 & 55/1993 were already brought under the Direct Payment System (DPS) with effect from 01.05.1996.



W.P.No.19285 of 2020  
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WEB COPY

2. Initially, the Food Corporation of India challenged the Award passed in I.D.No.39/1992 & 55/1993 by way of filing a writ petition before this Court in W.P.Nos.11416/1999 & 12416/1999. Both the writ petitions were dismissed as against which Writ Appeal Nos.3382/2003 & 3383/2003 were filed by the writ petitioner. The writ appeals were also dismissed and the SLP before the Hon'ble Supreme Court Civil Appeal No.10511/2011 was dismissed. Since the order of the Labour Court was not complied with, a Contempt Petition (Civil) No.404/2019 was filed in which it was observed thus :

*“25.Suffice it to observe that no case for initiating contempt action against the respondent Corporation and its officers has been made out. We need not, therefore, analyse any other aspect of the matter, which would require rewriting of the judgments on the basis of which this contempt action has been instituted. That cannot be countenanced in contempt proceedings.”*

While so, the respondent lodged a complaint before the II Metropolitan Magistrate, Egmore, Chennai under Sections 31, 32 & 34 of the Industrial Disputes Act alleging non-implementation of the Award passed in I.D.No.39/1992 dated 19.12.1997 and I.D.No.55/1993 dated 29.07.1998.



W.P.No.19285 of 2020  
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The said complaint was initiated in terms of Penal Provisions of Section 29 of the Industrial Disputes Act in C.C.No.9/2020. The contention of the writ petitioner Management is that all the workers were regularized and the Award passed by the concerned authorities were duly complied with. In the circumstances, there is no reason to initiate criminal proceedings against the writ petitioner under Section 29 of the Industrial Disputes Act in C.C.No.9/2020.

3. Accordingly, the criminal proceedings in C.C.No.9/2020 on the file of the II Metropolitan Magistrate, Egmore, Chennai, is quashed and the Writ Petition is allowed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

**18.12.2023**

Index: Yes/No  
Internet: Yes/No  
Speaking/Non-Speaking order  
mtl



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W.P.No.19285 of 2020  
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**R. HEMALATHA, J.**  
mtl

To

State Represented by  
The Labour Enforcement Officer (Central),  
Government of India,  
O/o. the Deputy Chief Labour Commissioner (Central)  
Ministry of Labour & Employment,  
"A" Wing, 5th Floor, Shastri Bhavan, Chennai - 6.

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