



Contempt Petition No.2725 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Contempt Petition No.2725 of 2023

M/s.S.K.Manpower Consultancy
Rep. by its Managing Director

... Petitioner

Vs.

K.Gunasekaran
The Managing Director
Metropolitan Transport Corporation (Chennai) Limited
No.2, Pallavan Illam,
Pallavan House,
Anna Salai,
Chennai – 600 002.

... Respondent

Prayer :

Contempt petition filed under Section 11 of Contempt of Courts Act praying to punish the respondent for wilfully disobeying the order dated 27.06.2023 passed by this Hon'ble Court in W.P.No.18857 of 2023.

For Petitioner : Mr.J.Deliban
For Respondent : Mr.L.M.Hazan Fizal
Additional Government Pleader



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ORDER

This contempt petition is filed alleging willful disobedience of the order dated 27.06.2023 made in W.P.No.18857 of 2023.

2.The petitioner filed W.P.No.18857 of 2023 challenging the letter of the respondent/ first respondent therein dated 10.05.2023 and the consequential invitation of the tender dated 14.06.2023 and to direct the respondent to consider the representation of the petitioner dated 30.03.2023 and to grant sufficient time to comply with the statutory requirements of the respondent.

3.The case of the petitioner is that the petitioner participated in the tender process for the work of cleaning of toilets and sweeping of depots, workshops and bus terminus of the respondent Corporation for a period of one year from the date of handing over the site and vide proceedings dated 26.03.2022, the respondent awarded tender in favour of the petitioner and entrusted the said work for a period of one year.



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4.The further case of the petitioner is that on 27.02.2023, the respondent called upon the petitioner to furnish the documents such as E.S.I and P.F. accounts pertaining to the employees engaged by the petitioner for the above said cleaning works in order to extend the contract for another period of one year which was due to expire on 31.03.2023. On 17.03.2023, the petitioner made a representation to the respondent enclosing the P.F. Receipt and Challan and E.S.I. Certificate and the Labour License Certificate and requested the respondent to renew the contract for another period of one year as per the agreement dated 12.04.2022.

5.The further case of the petitioner is that on 25.03.2023, the respondent once again insisted the petitioner to provide the necessary documents such as E.S.I and P.F. account details for all the staffs / employees engaged by the petitioner for the above said cleaning works in the respondent Depots, Workshops and Bus terminus. Thereafter, on 30.03.2023, the petitioner once again made a representation to the respondent enlightening the difficulty of

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collecting proper documents such as Aadhar and PAN Card from the

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employees as they do not possess the said documents and requested three months time to comply with the statutory requirements. On 20.04.2023, the respondent communicated to the petitioner to furnish the necessary documents immediately, failing which, the contract would not be extended. Thereafter, the respondent vide order dated 10.05.2023 terminated the petitioner's contract and temporarily allowed him to continue from 01.04.2023 to 30.06.2023. In the meantime, on 14.06.2023, the respondent consequentially invited for a fresh tender for the above said work and hence the petitioner filed the writ petition.

6.This Court on 27.06.2023 in W.P.No.18857 of 2023 held as follows:

"The impugned order passed by the first respondent dated 10.05.2023 is set aside and the matter is remitted back to the first respondent for fresh consideration.

(ii) The petitioner is directed to produce E.S.I



and P.F. account details for all the staffs / employees engaged by him for the above said cleaning works to the first respondent within a period of one month from the date of receipt of a copy of this order.

(iii) On receipt of such documents, the first respondent shall review the same and pass final orders on merits and in accordance with law. It is made clear that, if the petitioner fails to submit the relevant documents and records, the first respondent shall initiate the fresh tender process in accordance with law.

(iv) Until such time, the impugned notification dated 14.06.2023 shall be kept in abeyance and the respondents shall take a final call in regard to the issuance of fresh tender notification thereafter."

7.The learned counsel appearing for the petitioner claim that the petitioner produced necessary documents before the respondent/ first respondent therein, however, the respondent without considering the same, simply extended the period upto 30.11.2023.



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8.The learned Additional Government Pleader appearing for the respondent/ first respondent therein submitted that the respondent issued letters dated 27.02.2023, 25.03.2023, 20.04.2023, calling upon the petitioner to furnish the documents such as E.S.I and P.F. accounts pertaining to the employees engaged by the petitioner and pursuant to the order of this Court dated 27.06.2023, the respondent allowed the petitioner to continue the work till 30.11.2023, however, the petitioner has not yet produced the documents sought for by the respondent and prayed for closing the contempt petition.

9.In view of the above, there is no willful disobedience and this Contempt Petition is closed.

10.11.2023

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Index: Yes/No
Speaking Order: Yes/No
NCC: Yes/No



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M.DHANDAPANI,J.

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