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Contempt Petition No.2723 of 20__



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

Coram

The Honourable Mr.Justice C.SARAVANAN

Contempt Petition No.2723 of 2022

Vimalathithan

...Petitioner

Versus

1.Mr.Abdul Anand,
The Commissioner of Labour,
O/o. The Commissioner of Labour,
Chennai – 600 006.

2.Mr.Kumaran,
The Additional Commissioner of Labour,
Madurai Region,
Ellis Nagar,
Madurai.

3.Mr.Subramanian,
The Joint Commissioner of Labour,
Madurai Region,
Thamaraithotti,
Race Course Road,
Madurai.

...Respondents

Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971 praying to initiate contempt proceedings against the respondents herein for their willful disobedience to comply the order passed by this Court in W.P.No.17613 of 2021 dated 24.08.2021 and punish them accordingly.

For Petitioner : Mr.K.Navaneetharaja



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For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate

ORDER

The petitioner has come up with this contempt petition for the alleged disobedience of the order dated 24.08.2021 passed by this Court in W.P.No.17613 of 2021.

2. The learned Government Advocate appearing for the respondents submitted that the order dated 24.08.2021 passed by this Court in W.P.No.17613 of 2021 has been substantially complied with, particularly, the direction issued by this Court in paragraph no.7 of the said order. Paragraph no.7 of the aforesaid order reads as follows:

“7. It is noticed that on Mr.Balaji from Arakkonam a Stamping Smith was transferred to Chennai vide order dated 28.05.2019 as a Record Clerk. Considering the same, the impugned order dated 30.10.2019 impugned in W.P.No.17606 of 2021 is quashed with the direction to the respondent to consider the request of the petitioner to transfer to a vacant post of a Stamping Smith if there is no difficulty in extracting the work from the petitioner as a Stamping Smith pay scale are similar. An appropriate orders may be passed by the respondents on merits subject to availability of vacancy within a period of 30 days from the date of receipt of a copy of this order. It is made clear that this order shall not be treated as a precedent in future. As far as a writ petition in



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W.P.No.17613 of 2021 is concerned, the representation of the said petitioner may be considered in terms of the above observation within the aforesaid period.”

He further submitted that in compliance with the aforesaid order of this Court, the first respondent vide order in G2/19374/2022 dated 09.01.2023 has transferred the petitioner to the post of Record Clerk which is vacant in the office of Additional Commissioner of Labour, Trichy. He has also produced a copy of the compliance order dated 09.01.2023, before this Court.

3. In view of the above, this Court is of the opinion that no further order is required to be passed in this Contempt Petition. Hence, this Contempt Petition is closed. However, liberty is granted to the petitioner to challenge the order passed by the first respondent, in the manner known to law, if he is aggrieved by the same.

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Index : Yes/No



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C.SARAVANAN, J.

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