



WEB COPY



Cont.P. No. 1670 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

Cont.P. No.1670 of 2024

K.Munusamy

.. Petitioner

Vs.

1.Mr.L.Vijaya Kumar

The Dy.Chief Workshop Electrical Engineer,
Office of the CEWE,
Carriage and Wagon Shops
Southern Railway,
Perambur, Chennai-600 023.

2.Smt.Dipti Mohapatra,

The Presiding Officer,
Central Government Industrial Tribunal and Labour Court
1st Floor, "B" Wing,
No.26, Haddowas Road, Shastri Bhavan,
Chennai – 600 006.

.. Respondents

Prayer: Contempt petition filed under Section 11 of Contempt of Court Act, 1971, to take cognizance of the offences of Civil contempt court by the respondents due to his wilful disobedience of the order of the High Court of Madras dated 13.08.2003 in the W.P.M.P.No.67070 of 2002 and W.V.M.P.No.971 of 2003 in W.P.No.46029 of 2002.

For Petitioner : Mr.N.Pichaipillai

For R1 : Mr.C.Samivel



ORDER

This contempt petition has been filed alleging violation of the interim order passed in W.P.M.P.No.67070 of 2002 and W.V.M.P.No.971 of 2003 in W.P.No.46029 of 2002. By the date of filing of this contempt petition, the main writ petition itself was dismissed by this Court on 30.04.2014.

2. Further, this contempt petition has come to be filed alleging violation of the interim order dated 13.08.2003. However, this Court, having taken note of the totality of the circumstances passed the following order, dated 14.08.2024:

“The respondent/contemnor filed an affidavit stating that an amount of Rs.3,00,000/- is deposited with the Central Government Industrial Tribunal on 09.08.2024 to the credit of I.D.No.348 of 2001 by way of Cheque No.177396 dated 08.08.2024 and thereby, claimed to have complied with the order passed by this Court in W.P.M.P.No.67070 of 2002 and W.V.M.P.No.971 of 2003 in W.P.No.46029 of 2002 dated 13.08.2003.

2. Though on the face of it, it appears that the respondent has complied with the order dated 13.08.2003 passed by this Court, this Court is not inclined to close the contempt proceedings for the following reasons:

a) The respondent Railways suffered an award in



I.D.No.348 of 2001, dated 09.09.2002 on the file of the Industrial Tribunal, Tamil Nadu, Chennai, wherein, the learned Labour Court directed reinstatement of the petitioner herein and for payment of back wages.

b) Aggrieved by the said award dated 09.09.2002, the respondent approached this Court by filing W.P.No.46029 of 2002 and in the said writ petition initially interim stay was granted in W.P.M.P.No.67070 of 2002 by an order dated 26.12.2002 and thereafter, the said interim stay was made absolute by an order dated 13.08.2023 subject to certain terms. The said terms reads as under:

“(i) the petitioner - Union of India is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of I.D.No.348 of 2001 before the Central government Industrial Tribunal, Chennai, within a period of eight weeks from the date of receipt of a copy of this order.

(ii) On such deposit being made, the Industrial tribunal, Chennai is directed to invest the entire amount in the Indian Bank, High Court Extension, Counter, Chennai 104, initially for a period of 3 years under re-investment scheme.

(iii) In addition to this, the petitioner – Union of India is directed to pay a sum of Rs.44,000/- towards 17 – B arrears i.e., from the date of writ petition till this date



within a period of four weeks from the date of receipt of a copy of this order and continue to pay the last drawn wages, namely, Rs.5,500/- to the workman K.Munuswamy, commencing from September, 2003, and on or before 5th of every succeeding month till the disposal of the writ petition.

(iv) In case if the Union of India is willing to take the workman back without prejudice to their case, it is open to them to take him back and pay wages commensurate with his work and on par with similar employees.”

c) By virtue of the above order, the respondent though claimed to have handed over a cheque for Rs.3,00,000/- to his counsel well within a time, the said amount was admittedly not deposited into the credit of I.D.No.348 of 2001.

d) The conditions imposed by this Court for want of complying with the above condition No.1, the condition No.2 could not be complied by the Industrial Tribunal so far. The condition No.3 is concerned, the same is already complied with by the respondent.

e) Finally, the above said writ petition came to be dismissed by this Court, by an order dated 30.04.2014. It is pursuant to the said order, the petitioner was reinstated into service and he was working as such till date. Thereafter, the petitioner having noticed about non-deposit



WEB COPY



Cont.P. No. 1670 of 2024

of amount of Rs.3,00,000/- in terms of the order, dated 13.08.2003 passed by this Court, the petitioner claimed to have submitted various representations before the respondent requesting to deposit the said amount or to pay the same. But the same was not paid. In the circumstances, the petitioner approached this Court by filing the present contempt petition.

f) As already noted above, the said amount of Rs.3,00,000/- is now deposited to the credit of I.D.No.348 of 2001. If such amount was deposited to the credit of I.D.No.348 of 2001 within a time stipulated by this Court, the said amount would have been invested in the nationalized bank in terms of condition No.2 imposed by this Court. The 1st respondent without depositing said amount enjoyed the benefit of stay granted by this Court, by an order dated 13.08.2003 till the disposal of the main writ petition on 30.04.2014. Even thereafter, the respondent has not chosen to deposit the said amount to the credit of I.D.No.348 of 2001 and the same came to be deposited only on 09.08.2024 i.e., almost after about 21 years since the date of order passed by this Court.

g) No doubt, the petitioner failed to approach this Court complaining violation of the order passed by this Court immediately after the time stipulated by this Court expired in the year 2003, but has approached this Court



WEB COPY



Cont.P. No. 1670 of 2024

only in the year 2024. But the fact remains that the respondent enjoyed the benefit of stay obtained on 13.08.2003 till 30.04.2014. But for the interim order dated 13.08.2003 passed by this Court, the petitioner would have been in a position to execute the said award passed in I.D.No.348 of 2001 and the petitioner would have recovered the amounts during the year 2003 itself. It is only because of the stay granted by this Court, the petitioner is deprived by receiving the said amount and the respondent Railways continued to enjoy the said amount till 09.08.2024.

h) Had, the respondent complied with the order dated 13.08.2003, the said amount would have been deposited in a nationalized Bank in terms of condition No.2 imposed by this Court and the same would have earned interest thereon from time to time. Thus, the respondent herein, having enjoyed the benefit of interim stay granted by this Court had failed to comply with the conditions imposed by this Court. Hence, it is obligatory on the part of the respondent to compensate the petitioner appropriately.

3. In the light of the above, in the considered view of this Court, the said deposit should be in terms of the condition No.2 imposed by this Court in its order dated 13.08.2003. Hence, the respondent though already



WEB COPY



Cont.P. No. 1670 of 2024

deposited an amount of Rs.3,00,000/- on 09.08.2024 is also liable to pay the interest in terms of the condition No.2 imposed by this Court by an order dated 13.08.2003. The learned counsel for the petitioner agreed for the interest at the rate of 6% to be calculated in terms of the condition No.2 referred to above.

4. In the above circumstances, this Court is not inclined to close the contempt proceedings and is inclined to exercise jurisdiction of this Court under Section 10-12 of the Contempts of Courts Act, 1971 as well as under Article 226 of the Constitution of India. Accordingly, the respondent is hereby directed to pay the interest calculated at 6% in terms of condition No.2 imposed by this Court, by its order dated 13.08.2003 and pay the same to the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order. Insofar as the amount of Rs.3,00,000/- already deposited to the credit of I.D.No.348 of 2001 on the file of the Presiding Officer CGIT cum Labour Court, Chennai is concerned, the petitioner is at liberty to withdraw the said amount, without furnishing any security.

5. Post the matter on 13.09.2024 'for reporting compliance'."

3. It is pursuant to the above order passed by this Court, the



Cont.P. No. 1670 of 2024

respondents filed compliance report dated 18.11.2024, stating that an amount of Rs.3,77,803/- has been credited to the Bank account of the petitioner towards interest on the amount awarded under I.D.No.348 of 2001 and the said statement is admitted by the learned counsel for the petitioner.

4. In the circumstances, this Court does not see any reason to continue the contempt proceedings any further. Accordingly, this contempt petition is closed. In case, if the petitioner is not satisfied with the said amount, it is open for the petitioner to take appropriate steps strictly in accordance with law.

18.11.2024

Index : Yes / No
Internet : Yes / No
dpa



WEB COPY



Cont.P. No. 1670 of 2024

MUMMINENI SUDHEER KUMAR ,J.

dpa

Cont.P. No. 1670 of 2024



WEB COPY



Cont.P. No. 1670 of 2024

18.11.2024