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Cont.P.No.2369 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Suo Motu Criminal Cont.P.No.2369 of 2023

High Court of Madras,
Madras – 600 104.

... Petitioner

Vs.

Mr.Thirukumar.A.J.
The Deputy General Manager/HR(IR),
M/s.NLC India Limited,
Corporate Office,
Block 1, Neyveli – 607 801.

...Respondent

PRAYER: Suo Motu Criminal Contempt Proceedings initiated against the Contemnor herein as per the Order of the Court dated 04.09.2023 made in Crl.O.P.Nos. 16780, 17152 and 17155 of 2023 and Crl.M.P.No.13457 of 2023.

For Petitioner : Mr.Karthick Rangaranathan

For Respondent : Mr.N.Nithianandan



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ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The Suo Moto Criminal Contempt Proceedings was initiated against the Contemnor, as per the order of this Court dated 04.09.2023 in CrI.O.P.No.16780, 17152 and 17155 of 2023 and CrI.M.P.No.13457 of 2023.

2. Through an order dated 04.09.2023, this Court passed interim orders not to arrest the petitioners in the petition till the next hearing date. Affidavits are directed to be filed.

3. The learned counsel appearing on behalf of the contempt petitioner would submit that the employees were unable to file their respective affidavits on account of a circular issued by the respondent/contemnor in Circular dated 17.08.2023. Thus, the respondent had prevented the intervenor to file affidavit before this Court. Since it was considered as wrongful restraint, contempt proceedings were initiated.



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4. The learned counsel for the respondent would oppose by stating that the Circular dated 17.08.2023 was approved by the Competent Authority on 14.08.2023.

5. It is a routine circular issued, informing about the standing orders and the conditions of the employment to the employees. The circular itself would reveal that unauthorized sharing of information is not permissible under the Service Rules and that alone had been informed to the employees. The respondent has not committed any contempt.

6. The Para No.14 order passed by this Court dated 04.09.2023 reveals that, the Court had called upon Mr.K.Balu, learned counsel for the intervenor to file an affidavit and supporting affidavit from those persons. But on account of the Circular dated 17.08.2023, employees were unable to file affidavits due to psychological fear.



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7.The counter filed by the respondent states that,

“I respectfully submit that with the advent of advancement in various types of communications, mobile phones, various types of gadgets, etc., and the same is freely available with all the employees/persons, NLCIL experienced various instances of violation of the above said Certified Standing Orders/Conduct Rules by the employees from time to time. As a result, to remind the employees about the violations of the said Certified Standing Orders/Conduct Rules, NLCIL was repeatedly issuing the Circulars highlighting the existence of the said Certified Standing Orders/Conduct Rules and consequent actions to be taken against erring employees in the event of violation of the same. These Circulars have been issued by NLCIL from time to time. The following table depicts that NLCIL was issuing the said Circulars repeatedly reminding the employees of NLCIL not to indulge in violation of the above said Certified Standing/Conduct Rules since 1989 after obtaining prior approval of the competent authority whenever it as deemed fit



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considering the exigencies:

S.No.	Date of issue of Circular
1	25.08.1989
2	12.03.2007
3	17.04.2009
4	25.01.2010
5	05.05.2018
6	17.08.2023

Thus, it is evident that the issuance of similar Circular on 17.08.2023 was with approval of the competent authority on 16.08.2023 and it was unintentional since I was not aware of the hearing of the above said Crl.O.Ps before this Hon'ble Court on 17.08.2023.

13. I respectfully submit that I was not aware of the hearing of the above Crl.O.Ps before this Hon'ble Court on 17.08.2023. In fact, the said Circular dated 17.08.2023 was issued pursuant to "Record Note of Discussions of 54th Weekly meeting on critical issues through Video Conference held on 14.08.2023 between 10.30



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a.m and 12.00 p.m" among the higher echelons Officers of NLCIL. In the said meeting, the Chairman cum Managing Director (CMD) of NLCIL had advised to have proper SoP (Standard Operating Procedures) to carry out any work in Conveyor and Lignite Dust prone areas and also advised the Director (HR) of NLCIL to issue Circular regarding posting of photos/videos related to thermal/mines units in social media etc., Consequently, on the said instructions, the said Circular dated 17.08.2023 was issued in terms of the provisions of the Certified Standing Orders and NLC Employees (Conduct) Rules of NLCIL after approval of the same by the Director (HR) and other competent Officers of NLCIL on 16.08.2023. In fact, the hearing of the Crl.O.Ps by this Hon'ble Court on 17.08.2023 and the issuance of the said Circular on 17.08.2023 coincided and I was not aware of the hearing of the Crl.O.Ps on 17.08.2023 by this Hon'ble Court. Thus, I humbly submit that I have not indulged any kind of act to interfere with the administration of justice as defined under



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Sec.2(c) (ii) & (iii) of the Contempt of Courts Act, 1971. The issuance of the Circular dated 17.08.2023 was unintentional, which accidentally coincides with the hearing of the Crl.O.Ps by this Hon'ble Court on 17.08.2023.”

8. In view of the above reply filed by the the contemnor, we do not find any reason to initiate contempt proceedings under the Contempt of Courts Act. The contemnor has not committed contempt willfully or intentionally and clarification submitted would be sufficient to close the contempt proceedings.

9. Accordingly, the Contempt Petition stands closed.

[S.M.S., J.]

[V.S.G.,

J.]

02.09.2024

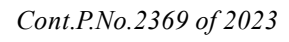
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To
The Deputy General Manager/HR(IR),

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