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Cont.P.Nos.3018 to 3020 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM

THE HON'BLE MR. JUSTICE **P.B.BALAJI**

Cont.P.Nos.3018, 3019 & 3020 of 2023

Contempt.P.No.3018 of 2023:-

- 1.P.Sankar
 - 2.P.Elayaperumal
 - 3.Be.Sgar
 - 4.R.Devarajan
 - 5.J.Anvar Sheriff
 - 6.S.Aurl Selvan
 - 7.V.Mohan (Died)
 - 8.K.Balasubramanian
 - 9.D.Ganesan
 - 10.V.Sittaramane
 - 11.D.TamilChelvi
 - 12.M.Harini
 - 13.Minor Harish Bala
rep by its mother and next friend
D.Thamilchelvi
 - 14.V.Saroja
- (P1 to P14 are LR's of deceased Petitioner P7)

.... Petitioners in Cont.P. No.3018 of 2023

Vs

- 1.Dr.Sharat Chauhan, I.A.S,
Chief Secretary to the
Government of Puducherry,
Puducherry 605 001.
2. Dr.A.S.Sivakumar,
Transport Commissioner,
in charge of the post of
Managing Director,
Anglo French Textiles,



Cont.P.Nos.3018 to 3020 of 2023

Mudaliyarpet,
Puducherry 605 004.

Respondents

....

Prayer: Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the respondents herein for deliberately violating the order of this Court dated 28.07.2023 made in W.P. No.31384 of 2018.

Contempt.P.No.3019 of 2023:-

- 1.M.Ragupathi
- 2.N.Meenatchisundaram
- 3.K.Kannan
- 4.V.S.Shanmugham
- 5.T.Rajakumar
- 6.Christoper Fernandez
- 7.R.Balasubramanian
- 8.S.Jeyamoorthy
- 9.N.Selvakumar
- 10.P.K.Kuppusamy
- 11.R.Krishnakumar
- 12.T.Kuppusamy
- 13.P.L.Sockalingam
- 14.G.Rajan
- 15.N.V.Srinivasan
- 16.R.Chandravathanam
- 17.N.Krishnamoorthy
- 18.S.Sivashanmugam
- 19.S.Adinarayanan
- 20.R.Pandian

.... Petitioners in Cont.P. No.3019 of 2023

Vs

- 1.Dr.Sharat Chauhan, I.A.S,
Chief Secretary to the
Government of Puducherry,
Puducherry 605 001.

2. Dr.A.S.Sivakumar,

<https://www.mhc.tn.gov.in/judis>



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Cont.P.Nos.3018 to 3020 of 2023



Transport Commissioner,
in charge of the post of
Managing Director,
Anglo French Textiles,
Mudaliyarpet,
Puducherry 605 004.
Respondents

....

Prayer: Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the respondents herein for deliberately violating the order of this Court dated 28.07.2023 made in W.P. No.33399 of 2018.

Contempt.P.No.3020 of 2023:-

- 1.V.R.Venkatesan
- 2.J.Kumar
- 3.R.Senthamaraikannan
- 4.N.Sampathkumar
- 5.V.Y.Sivakumar
- 6.A.Kesavan
- 7.V.Srinivasan
- 8.S.Velayoudam
- 9.A.G.Venkatapathy
- 10.R.Mani
- 11.V.Govindaraj
- 12.C.Rajaraman
- 13.B.Shanmugam
- 14.C.Ravy
- 15.A.Amuthavanan
- 16.K.Sandirasegaran
- 17.D.Sankar
- 18.V.Vasanth Courmare
- 19.K.Anandan
- 20.J.Ganesan
- 21.M.Peroumal
- 22.P.Rangarasu
- 23.K.Djeamourthy
- 24.M.Kumarasamy
- 25.V.Baskaran

.... Petitioners in Cont.P. No.3020 of 2023

Vs



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1.Dr.Sharat Chauhan, I.A.S,
Chief Secretary to the
Government of Puducherry,
Puducherry 605 001.

2. Dr.A.S.Sivakumar,
Transport Commissioner,
in charge of the post of
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Anglo French Textiles,
Mudaliyarpet,
Puducherry 605 004.

Respondents

....

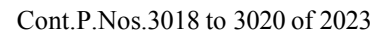
Prayer: Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the respondents herein for deliberately violating the order of this Court dated 28.07.2023 made in W.P. No.24642 of 2018.

For Petitioners : Mr.Kandan Doraisami
in all Contempt Petitions.

For Respondents : Mr.P.S.Kothandaraman,
Government Advocate
Puducherry for R1
in all Contempt Petitions.
Mr.T.M.Naveen for R2
in all Contempt Petitions

ORDER

These contempt petitions have been filed alleging deliberate violation of order of this Court dated 28.07.2023 in W.P.Nos.31384, 31339 & 24642 of 2018 respectively.



2. I have heard Mr.Kandhan Duraisamy, learned counsel for the

3. As against the common order dated 28.07.2023, the Writ

4. Aggrieved by the said conditional order, the second respondent

5. In the light of the above, the learned counsel for the second



that, nothing survives for adjudication in the Contempt Petitions as the order of interim stay being granted subject to a condition and such condition being complied with, no further orders can be passed in these Contempt Petitions.

6. Per contra, Mr.Kandan Doraisami, would submit that there is no dispute with regard to salary of the Writ Petitioners and the second respondent is in gross contempt for arbitrarily deducting closure compensation paid to the Writ Petitioners from the arrears of salary. Therefore, according to the learned counsel for the writ petitioners, this amounts to willful disobedience of orders of this Court.

7. I am unable to accept the contentions of the learned counsel for the Writ Petitioners. Admittedly, the Hon'ble Division Bench has granted an order of interim stay on deposit of 50% of amount due to the Writ Petitioners. The Hon'ble Supreme Court, while confirming the said order of the Hon'ble Division Bench, extended the time by eight weeks. It is seen that the second respondent has complied with the said conditional order by depositing Rs.88,46,877/- , 27,43,886/- and 2,01,14,807/- respectively, to credit of the Writ Appeals on 10.10.2024. I am able to see from the records that there is no dispute with regard to the salary that was being paid to the writ petitioners. However, the bone of contention



now is as to whether the closure compensation that has been paid to the writ petitioners should be adjusted from the arrears of salary. This was never an issue before this Court or before the Hon'ble Division Bench. In fact, the Hon'ble Division Bench has only issued a direction to the second respondent as follows:- *“shall deposit 50% of the amount payable by the respondents/writ petitioners...”* Therefore, in the absence of any actual amount being determined by any of the Courts and in the light of the deposits made by the second respondent, this Court is unable to hold that the second respondent is in contempt of the order of this Court dated 28.07.2023. However, it is needless to state that this issue of whether closure compensation is liable to be deducted from the arrears of salary can always be agitated in the pending Writ Appeals.

8. In view of the same, I do not see any purpose in keeping these Contempt Petitions alive any further. For all the foregoing discussions, all these Contempt Petitions are closed.

15.11.2024

Speaking/Non-speaking order

Index : Yes/No

rkp



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P.B.BALAJI, J.

rkp

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