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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.03.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**CONT.P(MD) No.483 of 2024
IN
W.A(MD)No.714 of 2014**

P.Deva Arul

... Petitioner/Appellant

-VS-

Ezekiel Devairakkam,
Secretary,
Management Dhonavur Fellowship,
Dhohavur Post,
Nanguneri Taluk,
Tirunelveli District.

... Contemnor/2nd respondent

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, praying this Court to punish the respondent herein for committing the contempt for his wilful and deliberate disobedience of the orders passed by this Court in W.A(MD)No.714 of 2014, dated 14.7.2023.



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For Petitioner : Mr.Ponkarthikeyan

ORDER

DR.G.JAYACHANDRAN,J.
AND
R.VIJAYAKUMAR,J.

The Petitioner herein, who has succeeded in the Labour Court and who had an advantage of an award which has been confirmed by the Division Bench of this Court, alleging that the said award has not complied with, the present Contempt Petition is filed.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The learned counsel for the Petitioner states that there is wilful disobedience of the orders passed by this Court.

4.On perusing the record, this Court finds that the dispute raised by the Petitioner before the Labour Court has reached its finality by way of an order passed by this Court in W.A(MD)No.714 of 2014, dated 14.07.2023. The order passed by this Court relates back



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to the dispute before the Labour Court and it has to be enforced in accordance with law, as contemplated under the Industrial Disputes Act, to be more precise, the Petitioner has a remedy under the statute to file a claim petition and instead of resorting to file a claim petition, has thought it fit to file the present Contempt Petition. This Court is of the firm view that the Contempt of Courts Act should be used sparingly when there is a wilful default or disobedience by the authorities and it cannot be misused or merely used as a substitute for claim petition.

5. In view of the above, the Contempt Petition is dismissed with liberty to the Petitioner to work out his remedy before the Labour Court for enforcing the order passed by this Court, in the manner known to law.

[G.J.,J.] [R.V.,J.]

22.03.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn



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DR.G.JAYACHANDRAN,J.
AND
R.VIJAYAKUMAR,J.

vsn

ORDER MADE IN
CONT.P(MD) No.483 of 2024
IN
W.A(MD)No.714 of 2014

22.03.2024