



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

CONT P No. 651 of 2025

The Puducherry Power Corporation
Employees Social Welfare Union
Rep. by its Secretary
Thiru K.Lakshminarayanan, (Regd.No.
1655/RTU/2010) (Affiliated with
AITUC Puducherry State Council)
No.174, Gandhi Salai, T.R.Pattinam,
Karaikal 609 606.

Petitioner(s)

Vs

The Management
Rep. by its Managing Director
Thiru Dr.D.Manikandan, I.A.S
Puducherry Power Corporation
Limited, Nagore Road, T.R.Pattinam,
Karaikal-609 606.

Contemnor(s)

Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the Respondent Corporation for willful disobedience and sheer negligence and for not complying with the order dated 01.11.2023, passed



in W.P.No.13829 of 2019, of the Hon'ble High Court Madras.

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For Petitioner(s): Mr.R.Venkatesulu
For Contemnor(s): Mr.AR.L.Sundaresan,
Additional Solicitor General of India
assisted by Mr.S.Raveekumar,
Government Pleader (Pondy)

ORDER

The contempt petition is filed for willful disobedience, negligence and for not complying with the order dated 01.11.2023, passed in W.P.No.13829 of 2019, by this Court.

2. The order in the WP No.13829 of 2019, dated 01.11.2023, reads as follows:

“6. At the outset, it may be observed that the respondent had not challenged the orders passed by the Industrial Tribunal cum Labour Court, Puducherry in I.D.(T) No.8/2012. It is also relevant to note that the very G.O. in Ms.No.55/97/F3, dated 15.10.1997 has been passed by the Government of Puducherry and the Industrial Tribunal in his orders clearly indicated that the Boiler Assistants and Junior Chemist should be given benefits of 5th Pay



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Commission. The 5th Pay Commission has been given effect to from 01.01.1996. The members of the petitioner Union had been appointed on various dates as per the said G.O. passed by the Government of Puducherry in Ms.No.55/97/F3, dated 15.10.1997. Therefore, they are entitled to get 5th pay scale from the date of their appointment. Accordingly, the order passed by the Industrial Tribunal cum Labour Court, Puducherry in I.D.(T) No.8/2012 is modified as under:

“~~The~~ respondent Corporation is directed to revise the scale of pay of the boiler Attendants and Junior Chemists at the pay Scale of 5000-150-8000 with effect from 01.01.1996 or from the date of joining as the case may be.□”

7. It is also pertinent to mention that with the 6th and 7th Pay Commission Scales being implemented subsequently, the members of the Petitioner Union would be getting all the benefits as per both the scales”.

3. The learned Additional Solicitor General of India, representing the respondent submitted that, for the enforcement of the Labour Court Award as modified by the High Court, the remedy available to the petitioner was by way of execution, under the provisions of the Industrial Disputes Act. The learned



Additional Solicitor General of India submitted that the contempt petition therefore deserves to be dismissed. The learned Additional Solicitor General of India relied on the Division Bench judgments of this Court in the case of *Workmen of Best and Crompton Engineering, Ltd., (by General Secretary of Socialist Workers' Union) Versus Best and Crompton Engineering, Ltd., Ambattur, and others* reported in *1987 (2) LLN 590*, and in the case of *R.Gopala Krishnan Versus Management of Binny, Ltd., Chennai*, reported in *2002 (1) LLJ 336* in support of his submission.

4. Heard the learned counsels.

5. In the judgment reported in *1987 (2) LLN 590*, the Division Bench of this Court, held as follows:

“4. In this case, the award of the Labour Court has been notified and published in the gazette on 27 May 1981 and on and from that date, it becomes executable. The workmen are entitled to invoke the provisions of the Payment of Wages Act and the provisions of the Industrial Disputes Act, and in particular S. 33C(2) of the Industrial Disputes Act for enforcement of the award.



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It is also admitted that such proceedings have been initiated and the workmen are pursuing their remedies for enforcement of the award under those enactments. We are not satisfied that merely because the management is not giving effect to the award or that the management is contesting the proceedings initiated under the Payment of Wages Act and the Industrial Disputes Act, the management can be said to have committed any act which concerns the dignity and authority of this Court or even the Labour Court. Further, as held in the earlier Bench decision cited supra, essentially the jurisdiction in contempt is not a right of a party to be invoked for the redressal of his grievance, nor can it be considered as a mode by which the rights of a party adjudicated upon by a Tribunal can be enforced against the other party. We are satisfied that the remedies available under the Payment of Wages Act and the Industrial Disputes Act are adequate enough to enforce the award, and the mere non-compliance of the award cannot be treated as amounting to contempt of Court. In those circumstances, we do not find any reason to take contempt proceedings against the first respondent. The contempt application is accordingly dismissed. No costs.”

So also, in the judgment reported in **2002 (1) LLJ 336**, the Division Bench of this Court, held as follows:



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“3. To enforce the award, definite procedures have been provided in the Industrial Disputes Act and it is for the applicant to approach the appropriate forum. The contempt application is not a substitute for execution or implementation of the award passed by the Labour Court as modified by this Court. This is not a fit case where the contempt proceedings could be initiated against the respondent.

4. Hence the contempt application is dismissed.”

6. In the light of the aforesaid Division Bench judgments, I find justification in the contention of the learned Additional Solicitor General of India, that the contempt petition for implementation of the order by this Court modifying the award passed in I.D.(T) 8 of 2012, cannot be sustained.

In view of the remedy available to the petitioner under the provisions of the Industrial Disputes Act, this contempt petition is closed.

dsn

14-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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The Managing Director,
Thiru Dr.D.Manikandan, I.A.S,
Puducherry Power Corporation
Limited, Nagore Road, T.R.Pattinam,
Karaikal-609 606.



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N.MALA J.

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