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Cont.P.No.3851 of 2024



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.SURENDER**

**Cont.P.No.3851 of 2024
and
Sub.Appl.No.1285 of 2024**

Madhur Farm Thozhilalargal Union,
Rep. by its Secretary,
No.14, Thennur,
Thirunallar, Karaikal.

...

Petitioner

versus

R.Ganesan,
The Deputy Director (Training and Visit),
State Seed Farm, Madhur,
Sellur (PO),
Karaikal - 609 607.

...

Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, seeking to punish the respondent for the wilful disobedience of the orders of this Court passed in W.A.No.436 of 2014 dated 27.04.2018 under the provisions of contempt of Courts Act.

For Petitioner : Mr.V.Govardhanan
for M/s.Row and Reddy

For Respondent : Mr.AR.L.Sundaresan
Additional Solicitor General of India
Assisted by Mr.V.Vasanth Kumar
Additional Government Pleader
(Puducherry)



ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

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Contempt is to the order of the Division Bench made in W.A.No.436 of 2014 dated 27.04.2018. Paragraph Nos.16, 17 & 18 of the said judgment read as follows:-

“16. From the admission made by the Assistant Director of Agriculture of Mathur Farm (R.W.1), wherein he would state that prior to 1999 workers were being directly recruited and only from 1999 contract system was introduced would go to show that the petitioners herein should have been regular employees recruited properly but shown in the casual labourers list only in order to deprive salary which should be payable to the regular employees. Needless to point out that permanent employees are paid Rs.82/- per day and casual labourers are paid Rs.22/- per day. Only to get unjust enrichment at the cost and sweat of labourers the management has taken the contention that the workmen did not work continuously for a period of 240 days and that they were not regularized employees. It is relevant to point out that the management did not produce the terms and conditions of appointment procedure followed for recruitment and terms of employment under which the petitioners entered into service and other connected contemporaneous document. The seniority list published by the management has a column which speaks about number of years of service and not number of days of service. These workmen are entitled to all their rights, privileges, duties and liabilities as are applicable to the regular employees from the date of the Judgment of the Labour Court. The management by their conduct and the method of treatment of workmen have made the workmen to believe that they are the workmen of the management. The legitimate claim of the workmen cannot be declined



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after such long years of service. The management miserably failed in proving that the workmen are not the workmen of the management.

17. So far as the claim for backwages are concerned there is no proof to show that the workmen were not gainfully employed during the period of which they have been disengaged by the management therefore, the claim for backwages cannot be permitted.

18. The award passed by the Labour Court and the judgment of the learned Single Judge of this Court are confirmed except with regard to claim for backwages. Therefore, the writ appeal is liable to be dismissed and it is dismissed accordingly to the extent indicated above. No costs. Consequently, the connected MP is closed.”

2. Earlier, by proceedings dated 25.10.2021, the respondent had regularised the services of the employees as Mazdors with effect from 05.03.2010. After hearing of this contempt petition, now a Corrigendum has been issued on 13.06.2025, making the regularisation effective from 24.01.2003, namely the date of the judgment of the Labour Court.

3. Though Mr.V.Govardhanan, learned counsel appearing for the contempt petitioner would pray that they would be entitled to the benefits from the year 1999 as per the award of the Labour Court, we do not propose to go into that question in the contempt petition since paragraph no.16 of the order of the Division Bench gives an indication that the regularisation



could be from the date of the judgment of the Labour Court (Award).

Therefore, it cannot be said that there is wilful disobedience of the orders of this Court.

4. Hence, this Contempt Petition is ***closed***, with liberty to the petitioner in the contempt petition to challenge the orders of the regularisation, if they are so advised. Consequently, the connected Application is closed.

(R.S.M., J.) (K.S., J.)
24.06.2025

Speaking order

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