



Cont.P.No.2635 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED 28.03.2025

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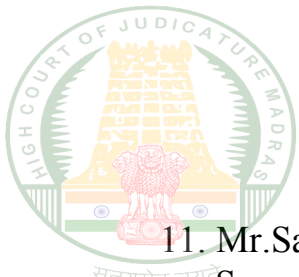
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

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M/s.SKM Contractor and Services Pvt. Ltd.,
Site Office at TP@-Thirumandurai Toll Plaza,
Trichy Tollway Private Limited, KM 247 on NB-38 [Old No.-45],
Thirumandurai [Village & Post], Perambalur District,
Tamilnadu – 621 108 Rep. By its Authorised Signatory ... Petitioner

Vs

1. K.Ravi – Union President
K.Karal Marks – K.Karal Marks
Tamil Nadu Toll Gate Employees Federation,
An Unit of Tamil Nadu General Workers Union,
KTK Thangamani Illam, 2/1, Kovoov Vaithyanathan Street,
Chindadripet, Chennai – 600 002.
2. Karal Marks Karunamoorthy
3. Arutselvan Sekar
4. T.Nagaraj
5. Srimurugan Kalivarathan
6. Murugan Arumugam
7. Veeravel S.
8. Manikandan A.R.
9. Pachamuthu S.
10. Vijayakumar J



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11. Mr.Sambath Radha, General Secretary,
Sengurichi Sungachavadi Thozhilalar Munetra Sangam,
Reg. No.281/VPM/2020, Door No.10, 1st Street,
Thanthai Periyar Nagar, Ulundurpet, Kallakurichi District. ... Respondents

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Court Act to punish the respondents herein for disobeying the Order of this Court dated 03.08.2022 made in W.P.No.18956 of 2022.

For Petitioner : Ms.Inthu Karunakaran

For Respondents : Mr.L.S.M.Hasan Fizal – R1 to R6, R8 to R10

Mr.Uma Shankar – R7 & R11

ORDER

Heard Ms.Inthu Karunakaran, learned Counsel appearing for the petitioner and Mr.L.S.M.Hasan Fizal, learned counsel appearing for the respondents 1 to 6, R8 to R10 and Mr.Uma Shankar learned counsel appearing for the respondents 7 and 11.

2. This contempt petition has been filed mainly on the ground that after the Orders of this Court, the respondents have continued to violate the Order of this Court and caused damages to the computer and other articles.



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The main grievance of the contempt petitioner is that the respondents being workers have allowed the trucks and other vehicles without collecting toll fare contrary to the tariff fixed by the national highways.

3. It is stated during the submissions that some of the respondents have already been removed from services and only 7 of them are still working. All the contemnors have filed an affidavit on 19.01.2024 and 08.02.2024 stating that they have not committed any act of contempt and also tendered unconditional apology. Now, when the Court has posed a question to the contempt petition as to whether there is any violation even after the filing of the affidavits before this Court, the learned counsel appearing for the contempt petitioner fairly submitted that there is no violation after the affidavits filed before this Court. However, he submitted that since there was some violation prior to filing of the affidavits, some punishment may be imposed on the contemnors.

4. I have perused entire materials. The entire episode is a result of termination of some of the employees and in that process some agitation took place among the employees. Therefore, as there was no violation after the affidavits have been filed, merely some agitation took place prior to filing of the



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affidiavt, this Court is of the view that no purpose will be served in punishing

WEB the contemnors.

5. Accordingly, this Contempt Petition is closed. If at all the petitioner wants to recover damages, it is for them to file appropriate suit for recovery of damages. It is also made clear that by closing this Contempt, this Court in fact has not approved the conduct of the contemnors. They have been let off only on the ground that they have agitated seeking regularization of their service. Otherwise, this Court would have proceeded against them severely.

6. Accordingly, this Contempt Petition is closed.

28.03.2025

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N.SATHISH KUMAR, J.

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