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Cont.P.No.3904 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

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THE HONOURABLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

Contempt Petition No.3904 of 2024

in

Writ Appeal No.915 of 2024

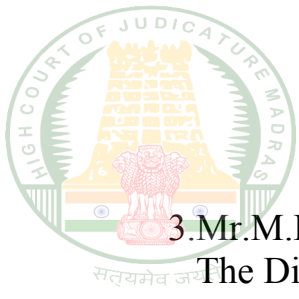
Food Corporation of India Workers Union,
(Chennai Branch), Represented by its Vice President,
I.Selvaraj, Having its Office at No.23/2,
Avadanam Pappaiah Road,
2nd Lane, Choolai Vepery, Chennai 600 007.

... Petitioner

Vs.

1.Mrs.Vanitha Rathan Sharma,
The Managing Director,
Food Corporation of India,
No.16-20 Khadhya Sadan, Barakhamba Lane Road,
Barakhamba Road, Delhi – 110001.

2.Mr.P.Muthuraman,
The General Manager,
Tamil Nadu Food Corporation of India,
Regional Office Chennai,
No.8, Mayor Sathyamurthy Road, Chetpet,
Chennai – 600 031.



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3. Mr. M.B.K. Suman,
The Divisional Manager, Food Corporation of India,
Coimbatore Divisional Office, No.264,
Dr. Rajendra Prasad Road, Tatabad, Coimbatore – 641 012.

4. Mr. K. Rohineswaran Kumar,
The Divisional Manager, Food Corporation of India,
Thanjavur Divisional Office, Sembanarkoil Depot,
Pudukkottai Rd, Nirmala Nagar,
Thanjavur, Tamil Nadu 613 007.

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents 1 to 4 for willful disobedience of the Judgment of this Court in W.A.No.915 of 2024 dated 20.03.2024.

For Petitioner : Mr. B. Ebenezer Paul

For RR1 to 4 : Mr. C.K. Chandrasekhar,
Standing Counsel

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The contempt petition has been instituted to punish the respondents for their willful disobedience of the order of this Court dated 20.03.2024 passed in W.A.No.915 of 2024.

2. The learned counsel for the petitioner would submit that despite



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the directions issued by this Court, not to effect recovery, till such time, the competent authorities conduct an enquiry in the petition to be filed by the Union. Contrary to the said directions, recovery has been made by the respondents and therefore they are liable to be punished.

3. The learned counsel appearing on behalf of the respondents relying on the counter affidavit of the fourth respondent would submit that the petitioner Union did not approach the Minimum Wages Authority within time and deliberately moved the incompetent authority in order to drag on the issues. Minimum Wages issue has already been dealt with and therefore the Union ought to have approached the competent authority for conduct of enquiry. However, on receipt of lawyer's notice dated 05.10.2024 and 07.10.2024, the respondent Corporation has issued a reply notice dated 27.10.2024 denying the allegations. After filing of the appropriate petition before the Regional Labour Commissioner, Minimum wages and notice was received on 21.11.2024, the respondent corporation stopped the recovery in obedience of the orders of this Court. Vakalat was filed on 30.12.2024 being the first hearing date and the counter was filed on 25.02.025. The case is posted for further hearing on 25.03.2025, at the request of the petitioner for



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filing reply counter.

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4. In view of the above factum, this Court is of the considered opinion that the respondents have not committed any contempt willfully. Thus, the petitioner is at liberty to participate in the enquiry and establish their case.

5. With these observations, the contempt petition stands dismissed.

[S.M.S,J.] [K.R.S,J.]
18.03.2025

ssi

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

To

1.Mrs.Vanitha Rathan Sharma,

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S. M. SUBRAMANIAM,J.

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K. RAJASEKAR,J.

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