



WEB COPY



LPA No. 2 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

LPA No. 2 of 2020

1. M.Devaraj
S/o.Molavu Gounder, Thellar Post, Vandavasi
Taluk, T.V.Malai District.
2. A.Gandhi
S/o.Annamalai, Athimalaipattu Village,
Onnupuram Post, Arani Taluk, T.V.Malai
District.
3. P.Packiyaraj
S/o.Poongavanam, Vettarikara Street,
Aranipalayam, T.V.Malai District.
4. P.Bharathiraja
S/o.Poongavanam, Vettarikara Street,
Aranipalayam, T.V.Malai District.

Vs

..Appellant(s)

Noor Mohammed
Superintending Engineer, Thiruvannamalai
Electricity Distribution Circle, Tangedco,
Vengikkal, Thiruvannamalai 606 604.

..Respondent(s)



LPA No. 2 of 2020

Prayer: Letters Patent Appeal filed under Clause XV of Letters Patent, against the order dated 25.09.2019 in Contempt Petition No.980 of 2016.

For Appellant(s): Mr. S.N.Ravichandran

For Respondent(s): Mr. Anand Gopalan
for M/s. T.S. Gopalan And Co
for Sole Respondent

JUDGMENT

SUNDER MOHAN,J.

The Letters Patent Appeal challenges the order dated 25.09.2019 passed in Contempt Petition No.980 of 2016 by which the appellants' petition seeking to punish the respondents for contempt was dismissed on merits and on the ground that it is barred by limitation.

2. The appellants herein filed Contempt Petition No.980 of 2016 before the learned Single Judge to punish the respondent for wilful disobedience and non-compliance of the order of this Court in W.P.No.12065 of 2008 dated 07.04.2011.



WEB COPY

3. According to the appellants, by order dated 07.04.2011, this Court had dismissed the Writ Petition filed by the respondent herein challenging the orders passed by the Inspector of Labour under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status) Act, 1981 and that out of the 35 persons who are parties to the common order dated 07.04.2011, the respondent had implemented the order in respect of 31 persons and had not employed the appellants and therefore, the respondent is guilty of contempt.

4. The learned Single Judge of this Court had dismissed the said Contempt Petition on the ground that no contempt was made out on facts; that since the respondent found that the appellants were ineligible with reference to the terms and conditions of 12(3) settlement, they have not violated the orders of this Court; and that the Contempt Petition was barred by limitation.

5. The learned counsel for the appellants submitted that the Contempt Petition ought not to have been dismissed on merits as well as on the ground of limitation; that having implemented the order in respect



of 31 workmen, the respondent ought to have atleast communicated an order to the appellants as to why they were found ineligible; and that the action of the respondent in respect of the appellants would amount to contempt.

6. The learned counsel for the appellants further submitted that the appellants have made several representations requesting permanent absorption; that since there was no response by the respondent, they have filed C.P.Nos.104, 93, 95 and 90 of 2011 before the Labour Court and the said Petitions were allowed; that the respondent filed a writ petition challenging the said orders in WP No.7333 of 2014 and this Court had granted an interim stay of the said orders; and that since the petitioners were pursuing other remedies diligently, there is no delay and hence, the learned Single Judge ought not to have dismissed the Contempt Petition on the ground of delay.

7. Mr.Anand Gopalan, learned counsel for the respondent, would submit that the Letters Patent Appeal is not maintainable, as under Section 19 of the Contempt of Courts Act, no appeal would be



maintainable if the Contempt Petition is rejected and relied upon the judgment of the Hon'ble Supreme Court in ***Midnapore Peoples' Coop. Bank Ltd., and Others, v. Chunilal Nanda and Other***, reported in (2006) 5 SCC 399.

8. (a) In response, the learned counsel for the appellants would submit that since the learned Single Judge had decided the case on merits and had extinguished the right of the appellants in making a claim in terms of the order passed by this Court in WP No.12065 of 2008, the order passed would be termed as a “judgment” falling within the ambit of Clause 15 of the Letters Patent and hence, an appeal is maintainable. He relied upon the judgment passed by this Court in **LPA Nos.6 to 50 of 2022 dated 10.02.2023** in ***G.Subramanian v. Phanindara Reddy, IAS and Others***, in support of his submissions on the question of maintainability.

(b) The learned counsel for the appellants relied upon the judgment of the Hon'ble Supreme Court in ***Pallav Sheth v. Custodian and others***, reported in **AIR 2001 SC 2673 (FB)**, in support of his submission that if



the party seeking action for contempt has pursued his remedy diligently and not slept over his rights, then this Court can exercise power under Article 215 of the Constitution of India to punish for contempt even though there is a delay in filing the Contempt Petition.

9. We have carefully considered the rival submissions made on either side and perused the materials available on record.

10. It is well settled that no appeal would lie against the order dismissing the Contempt Petition. This has been reiterated by the Hon'ble Supreme Court in *Midnapore Peoples' Coop. Bank Limited's case* [supra]. The relevant observations are as follows:

“11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarized thus :

I. An appeal under [section 19](#) is maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt, that is, an order imposing punishment for contempt.

II. Neither an order declining to initiate proceedings for contempt, nor an order initiating proceedings for contempt nor an order dropping the



WEB COPY



LPA No. 2 of 2020

proceedings for contempt nor an order acquitting or exonerating the contemnor, is appealable under [Section 19](#) of the CC Act. In special circumstances, they may be open to challenge under [Article 136](#) of the Constitution.

III. In a proceeding for contempt, the High Court can decide whether any contempt of court has been committed, and if so, what should be the punishment and matters incidental thereto. In such a proceeding, it is not appropriate to adjudicate or decide any issue relating to the merits of the dispute between the parties.

IV. Any direction issued or decision made by the High Court on the merits of a dispute between the parties, will not be in the exercise of 'jurisdiction to punish for contempt' and therefore, not appealable under [section 19](#) of CC Act. The only exception is where such direction or decision is incidental to or inextricably connected with the order punishing for contempt, in which event the appeal under [section 19](#) of the Act, can also encompass the incidental or inextricably connected directions.

V. If the High Court, for whatsoever reason, decides an issue or makes any direction, relating to the merits of the dispute between the parties, in a contempt proceedings, the aggrieved person is not without remedy. Such an order is open to challenge in an intra-court appeal (if the order was of a learned Single Judge and there is a provision for an intra-court appeal), or by seeking special leave to appeal under [Article 136](#) of the Constitution of India (in other cases).

The first point is answered accordingly.”



WEB COPY

11. Thus, from para 11(V) extracted above, it would be clear that if the Court decides the issue relating to the merits of the dispute between the parties, the aggrieved person could maintain an intra-court appeal. This Court in ***LPA Nos.6 to 50 of 2022*** [supra] had reiterated the said position and had observed that where the rights of the parties are decided, it has to be treated as a 'judgment' for maintaining an appeal.

12. In the instant case, as could be seen from the impugned order, the learned Single Judge had not only dismissed the contempt petition on the ground of limitation but also had adjudicated on the rights of the parties by holding that the respondent was justified in finding that the appellants were ineligible with reference to the terms and conditions of 12(3) Settlement. We are of the view that such a finding is, in fact, a decision relating to the merits of the dispute and therefore, in terms of the above observations of the Hon'ble Supreme Court and that of this Court, an appeal would be maintainable.

13. As stated above, the learned Single Judge had dismissed the Contempt Petition on the ground of limitation. The appellants have filed



LPA No. 2 of 2020

the contempt petition for wilful disobedience of the order passed by this Court in WP No.12065 of 2008 dated 07.04.2011. The fact that they independently filed Petitions before the Labour Court and this Court had granted an interim stay of the orders passed by the Labour Court in WP Nos.7333 of 2014 and 23637 of 2014, which according to the appellants, was vacated subsequently, would not in any manner justify the delay in filing the Contempt Petition as those proceedings are independent of the right of the appellants to initiate contempt proceedings.

14. Therefore, we are not in agreement with the said submission made by the learned counsel for the appellants based on the judgment of the Hon'ble Supreme Court in *Pallav Sheth* [supra]. The facts in that case have no bearing or relevance to the facts in the instant case. Hence, we find no infirmity in the order impugned, dismissing the Contempt Petition on the ground of limitation.

15. However, we find that the learned Single Judge has incidentally made an observation on the merits of the case after observing that the Court cannot appreciate the merits or demerits in a contempt petition.



LPA No. 2 of 2020

Since the contempt petition was dismissed primarily on the ground of limitation, we are of the view that the observations are superfluous and would not have a bearing in any of the proceedings pending between the parties. It is needless to say that the parties would make their respective claims and establish the same independently and the Courts dealing with the said dispute on merits shall not be influenced by any of the observations made on merits by the learned Single Judge in the order impugned in this appeal.

16. With the above observations, the Letters Patent Appeal stands disposed of. No Costs.

(A.S.M.,J.) (S.M.,J.)
04-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ars



WEB COPY



LPA No. 2 of 2020

**DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.**

ars

To

Noor Mohammed
Superintending Engineer,
Thiruvannamalai Electricity Distribution Circle,
TANGEDCO, Vengikkal,
Thiruvannamalai 606 604.

LPA No. 2 of 2020

04-03-2026

Page 11 of 11