



Cont.A.Nos.5 and 6 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

Contempt Appeal Nos.5 and 6 of 2023
and C.M.P.Nos.14325 and 14333 of 2023

Cont.A.No.5 of 2023:

Jakkir Hussain
Special Tahsildar (ADW),
Salem Collectorate, Salem District

Appellant

Vs

1.S.Mayil
S/o.Saminathan,
4/76, Aladipatti Village,
Aladipatti Post, Belur Post,
Vazhapadi Taluk, Salem District.

2.G.Sarala
District Adi Dravidar Welfare Officer,
Salem District.

Respondents

PRAYER: Appeal filed under Section 19 of the Contempt of Courts Act to set aside the order passed in Cont.P.No.788 of 2021, dated 28.06.2023.



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Cont.A.No.6 of 2023:

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Jakkir Hussain
Special Tahsildar (ADW),
Salem Collectorate, Salem District

Appellant

Vs

1.M.Murthy
S/o.Mani
Towerline West, Kaverkalpatti,
Chendrayanpalayam Post,
Vazhapadi Taluk,
Salem District.

2.G.Sarala
District Adi Dravidar Welfare Officer,
Salem District.

Respondents

PRAYER: Appeal filed under Section 19 of the Contempt of Courts Act to set aside the order passed in Cont.P.No.787 of 2021, dated 28.06.2023.

For Appellant in both appeals:	Mr.P.V.Balasubramaniam Addl. Advocate General assisted by Mr.K.Surendhar Spl. Govt. Pleader
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For Respondents in both appeals:	Mr.S.Nedunchezhiyan for R1
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Mr.C.A.Ramanan
Govt. Advocate for R2



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COMMON JUDGMENT
(Delivered by the *G.Arul Murugan, J.*)

These contempt appeals are filed challenging the order dated 28.6.2023 in Cont.P.Nos.787 and 788 of 2021, whereby the appellant/contemnor was sentenced to undergo simple imprisonment for six months with a fine of Rs.2,000/-, in default to undergo one month simple imprisonment. A further direction was also issued to the Registry to register a criminal contempt case against the appellant/contemnor.

2. The first respondent in the respective contempt appeals, who were appointed as Cook in the vacancies at Government Adi Dravida Welfare Schools at Salem District, complaining that their salaries have not been disbursed, have approached this Court by filing W.P.Nos.11885 and 11887 of 2020. Recording the submission made by learned Government Advocate that the District Adi Dravidar and Tribal Welfare Officer has concluded the issue, whereby salaries to the writ petitioners were decided to be released, the Writ Court, by an order dated 28.09.2020, disposed of the writ petitions.



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3. Since the order was not complied with by paying salaries to the first respondent in these contempt appeals, the first respondent in these contempt appeals have filed Cont.P.Nos.787 and 788 of 2021. The learned Single Judge, by referring to proceedings in various hearings that took place, with great anguish, recorded the conduct of the appellant/contemnor that he had filed an affidavit to mislead the Court that the order is complied with. While recording so, by an order dated 28.6.2023, the learned Single Judge sentenced the appellant/contemnor to undergo simple imprisonment for 6 months with fine of Rs.2,000/- and with a further direction for initiation of criminal contempt case against the appellant/contemnor. Assailing the sentence imposed, the appellant/contemnor has filed these contempt appeals.

4. Learned Additional Advocate General appearing for the appellant/contemnor submitted that though the appellant/contemnor was not inclined to disobey the order passed by the Writ Court, some delay had occurred in getting necessary permission from the competent authorities and disbursing the salaries, and the same was not willful. However, the learned Single Judge had imposed the



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sentence of 6 months simple imprisonment along with fine which would completely affects the carrier prospects of the appellant/contemnor and also his family in view of the sentence imposed.

5. Learned Additional Advocate General further submitted that a Co-ordinate Bench of this Court has issued a direction to the appellant/contemnor to pay a sum of Rs.1,00,000/- each as compensation to the respective first respondent, which has also been duly complied with, and now since the entire salaries have also been disbursed, this Court may consider allowing the contempt appeals by setting aside the sentence imposed on the appellant/contemnor.

6. Learned counsel for the first respondent in these contempt appeals submitted that though the salaries and compensation have been disbursed as directed by this Court, since there was a huge delay from 2020 in paying the salaries to the respective first respondent, who were working only as Cook, no leniency could be shown to the appellant/conemnor and, therefore, the contempt appeals be dismissed by confirming the sentence imposed on the appellant/contemnor.



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7. We have given our anxious consideration to the submissions made by learned counsel for the parties and perused the materials available on record.

8. The writ petitions filed by the first respondent in these contempt appeals came to be disposed of by the Writ Court only based on the submissions made by learned Government Advocate that already, in principle, a decision has been taken to disburse the salaries to the first respondent in these contempt appeals. When such submission was made, there was no reason for the appellant/contemnor to delay the issue further, except by paying the salaries to the first respondent who were performing the duties as Cook and who were predominantly dependent on the salaries for their livelihood. However, the appellant/contemnor did not choose to comply with the order, but only stated that due to administrative delay in getting sanction from the competent authorities the delay had occurred and the delay is neither willful nor wanton and great care was taken to comply with the order.



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9. The learned Single Judge, in the order dated 28.6.2023, after recording the displeasure, had imposed the sentence of imprisonment for a period of 6 months with fine of Rs.2,000/-. In view of the conduct noted, further direction was also issued for initiation of criminal contempt case. However, a perusal of the orders passed by a Co-ordinate Bench of this Court in the contempt appeals, reveals that the sentence imposed in the contempt petitions was initially stayed, thereby the sentence imposed was put on hold. Subsequently, by an order dated 11.6.2026, this Court passed the following order:

"The learned counsel for the appellant would submit that the order of the writ Court has been complied with in respect of one individual and the government awaits certain particulars to comply with the order in respect of another individual.

2. The learned counsel for the 1st respondent in both the appeals, undertakes to furnish the particulars sought for in respect of the said individual within a week.

3. The appellant is directed to comply with the order within one week from the date of receipt of the particulars.

4. Since the government was directed to make the payment in the year 2020 and have complied with the order only recently in one case and have undertaken to comply in respect of the other individual, now we direct the government to pay an additional sum of Rs.1,00,000/- each



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as compensation to both the individuals on or before the next hearing date.

5. List the appeals on 03.07.2026.

10. A perusal of the aforesaid order reveals that the Court had taken note of the fact that since the salaries to one of the writ petitioners have been settled and the salaries to the other writ petitioner was also undertaken to be settled, this Court directed the appellant/contemnor to pay a sum of Rs.1,00,000/- as compensation to each of the writ petitioners in view of the delay caused from the year 2020 in paying the salaries. In compliance with the order dated 11.6.2026, it is submitted by learned Additional Advocate General that the salaries to both the writ petitioners have been disbursed and further the compensation of Rs.1,00,000/- to each of the writ petitioners, as directed by this Court, has also been paid and the order stands complied with.

11. Learned counsel for the first respondent in these contempt appeals does not dispute the said position and confirmed that all these payments, as directed by this Court, have been paid.



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12. When this Court by the order dated 11.6.2026 had already taken a lenient view and had provided one opportunity to the appellant/contemnor to release all the salaries due to the writ petitioners and pay a sum of Rs.1,00,000/- as compensation to each of the writ petitioners and the said order having been complied with, we are of the considered opinion that, at this juncture, no contra opinion or orders to be passed in these contempt appeals by further confirming or modifying the sentence imposed in the contempt petitions.

13. In such view of the matter, the sentence imposed on the appellant/contemnor by the order dated 28.06.2023 in Cont.P.Nos.787 and 788 of 2021 is hereby set aside and the contempt appeals stand allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
20.08.2026

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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