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LPA No. 3 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

LPA No. 3 of 2026

and

CMP NO. 10754 OF 2026

A.Sujitha
E-105, SRM Green Pearl Apartment,
Periyar Street,
Potheri,
Previously Kancheepuram
Now Chengalpattu Dt., Pin – 603203

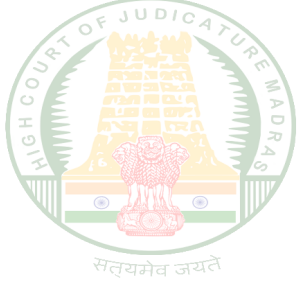
..Appellant(s)

Vs

1. J.Radhakrishnan
Chairman and Managing Director,
TANGENDCO,
New NO.144, Anna Salai
N.P.K.R.R.Maligai
Chennai-600002.

2. M.Ambiga
Chief Engineer (Personnel)
TANGENDCO
New No.144, Anna Salai
Chennai-600002

..Respondent(s)



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Appeal filed under Clause 15 of Letters Patent to set aside the order dated 28.11.2025 in Contempt Petition No.3033/2025.

For Appellant(s): Dr.A.E.Chelliah, Senior Counsel
for Mr.V.J.Arulraj

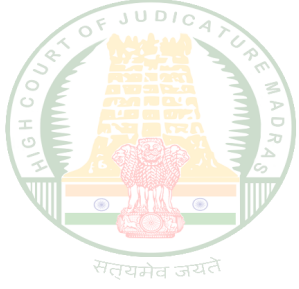
For Respondent(s): Mr.Anand Gopalan
for M/s.Advit Law Chambers
For R1 & R2

JUDGMENT

(Delivered by Dr.Anita Sumanth J.)

This Letter Patent Appeal under Section 19 of the Contempt of Courts Act 1971 ('Act'), challenges an order dated 21.11.2025 dismissing Contempt Petition Nos.2599 & 3033 of 2025. Those petitions arose out of orders made on 09.03.2021 and 29.09.2023 in W.P.No.5691 of 2021 and W.P.No.5843 of 2020, respectively. W.P.No.5843 of 2020 was filed with the following prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of declaration, declaring the action of the second respondent in not considering the petitioner for the appointment to the post of Assistant Engineer (Electrical) under the member of family whose lands are acquired by the Government priority quota as null and void and thereby direct the second respondent herein to



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select and appoint the petitioner with Registration No.201601285 to the post of Assistant Engineer (Electrical) pursuant to the notification No.01/2018 dated 14.02.2018 in the existing vacancy with all monetary and service benefits.

2. The writ petition came to be allowed on 29.09.2023, this Court issuing a direction for appointment of the Appellant within a period of 8 weeks from date of receipt of a copy of the order.

3. As against the aforesaid order, W.A.No. 1401 of 2024 has been filed by the Respondents. When the writ appeal had come up for admission, it is the say of the appellant represented by Mr.V.J.Arulraj for whom Dr.A.E.Chelliah, learned senior counsel appears, that it had merely been adjourned whereas it is the say of Mr.Anand Gopalan, who appears for the respondents that the appellant had undertaken before the Division Bench not to press the contempt petition till disposal of the writ appeal.

4. Ultimately, the contempt petition had come to be dismissed, learned Judge concluding that it was not maintainable as it had been instituted beyond the period of limitation prescribed under the Act.

5. Dr.Chelliah argues that the period of limitation provided under the Act is not rigid, and that there is no fetter on the Courts in exercising the power of contempt. He urges that the Court must accommodate the realities of the present situation where, the appellant is unemployed



despite having obtained a positive order from the writ court for employment. She should hence not be non-suited on mere technicalities.

6. For this purpose, appellant would rely on the judgment of the Supreme Court in *Rupa Ashok Hurra Vs. Ashok Hurra and another*¹ and judgment of this Court in *Murugesan Gounder and other v Brindhavathi ammal and others*² confirmed in *Murugesan Gounder v Brindhavathi ammal and ors*³.

7. Per contra, learned counsel for respondent would submit that the period of limitation provided for under Section 20 does not admit of any flexibility or laxity. That apart, the present appeal is not even maintainable, he would argue, relying on Section 19 of the Act, as per which, an appeal would lie only as against an order or decision punishing an individual for contempt. In the present case, the impugned order does not impose any punishment.

8. Mr.Gopalan relies on the following decisions:

- (i) *T.Marappan v The Executive Engineer and Administrative Officer, Salem and another*⁴
- (ii) *Major S Veerasamy v The Management of Andhra Social and Cultural Association and another*⁵

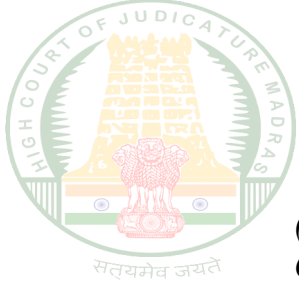
¹ AIR 202 SC 1771

² S.A.No.1602 of 2008 dated 17.02.2011

³ SLP(C) No. 21528 of 2011 on 31.03.2015

⁴ (1996) SCC OnLine Mad 339 : (1996) 2 LW 117

⁵ 1996 SCC OnLine Mad 625 : (1997) 2 LW 671



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(iii) *Midnapore Peoples' COOP. Bank Ltd and others v Chunilal Nanda and others*⁶

(iv) *Tamilnad Mercantile Bank Shareholders Welfare Association v S.C..Sekar and others*⁷

(v) *M.Devaraj and others v Noor Mohammed, Superintending Engineer, Thiruvannamalai Electricity Distribution Circle, Tangedco, Vengikkal, Thiruvannamalai.*⁸

(vi) *Baradakanta Mishra v Justice Gatikrushna Misra, Chief Justice of the Orissa High Court*⁹

(vii) *B.Surendra Reddy v K.Devarajan and others*¹⁰

(viii) *S.Tirupathi Rao v M.Lingamaiah and Others*¹¹

9. We have heard both learned counsel and had perused the material papers as well as case law.

10. In W.P.No.5691 of 2021 the appellant had sought a Mandamus directing the respondents to consider her plea for employment. The writ petition was disposed on 09.03.2021, the writ court directing disposal of representation of the appellant in accordance with law. No order was passed, and instead, Notification No.1 of 2018 dated 14.02.2018 came to be issued calling for applications for 300 vacancies for the post of Assistant Engineer (Electrical). The appellant had applied but was unsuccessful.

11. Notification No.2/2020 then came to be issued on 08.01.2020

⁶ (2006) 5 SCC 399 : 2006 SCC OnLine 628

⁷ (2009) 2 SCC 784 : 2008 SCC OnLine SC 1831

⁸ LPA No.2 of 2020 dt 4.3.2020

⁹ (1975) 3 SCC 535

¹⁰ Cont P No.743 of 2022 dated 20.06.2022

¹¹ (2024) 20 SCC 188

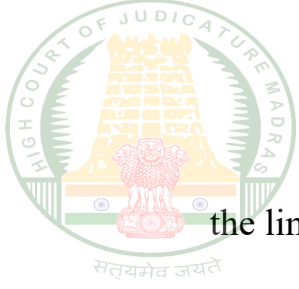


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inviting applications for 400 vacancies. The age limit was fixed as 32 years which rendered the appellant ineligible to apply for the post. It is hence that Writ Petition No.5843 of 2020 had come to be filed by her seeking a declaration that she be appointed under Notification No.1/2018 itself. The writ court allowed the writ petition on 29.9.2023 and directed the authorities to appoint her under the 2018 Notification within 8 weeks from date of receipt of that order.

12. The writ order dated 29.09.23 had been made ready on 08.12.2023 and the period of one year thus ended on 08.12.2024. The contempt petition was instituted on 12.08.2025 with a delay of more than 8 months. One of the grounds on which the petition has come to be dismissed is that it is barred by limitation and the argument on behalf of the appellant is that period of limitation provided under the Act should not be construed such that it defeats substantive justice.

13. Section 20 of the Act sets out the limitation for action for contempt and states that no Court shall initiate any proceedings for contempt, either on its own motion or otherwise, after expiry of a period of one year from the date on which the contempt is alleged to have been committed. The clear language of Section 20 leaves us in no doubt that



the limitation provided for is to be strictly applied.

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14. In *Pallav Seth Vs. Custodian and Others*¹², three Hon'ble judges of the Supreme Court considered a situation where the Custodian of the Special Court for trial of offences relating to transactions in securities, had pursued action for contempt as against the Appellant. The facts in *Pallav Sheth's* case was that a Decree as against that Appellant had been passed on 24.02.1994 and an Execution Petition had been moved by the Custodian in 1994 itself.

15. The Special Court then passed an order of attachment on 24.08.94. There was a raid conducted in November 1997 in the premises of the Appellant that had been publicised in the media following which the Special Court directed the Custodian to ascertain from the Department the extent of that Appellants' assets. It was only on receiving information from the Income tax Department vide letter dated 5.5.98, that it came to be known that the appellant had perpetrated fraud on the Custodian. The contempt application had been filed by the Custodian within a period of one year from the aforesaid date.

16. On the above facts, the Court held that the period of limitation under Section 20 would commence from the date on which the fraud

¹² AIR 201 SC 2673



played by the party on the Court / opposite party had been discovered, and since that Appellant had acted fraudulently by suppressing information, the question of bar of limitation would not arise. The Court thus held that where the party had not slept over his rights, and if the Court were convinced that action for contempt will lie, power may be exercised under Article 215 of the Constitution to punish for contempt.

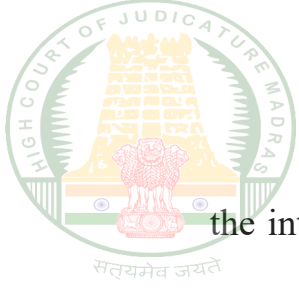
17. The view taken by two Judges in *Om Prakash Jaiswal v D.K.Mittal*¹³, that, filing of an application for initiating contempt did not amount to initiation of proceedings by the Court and initiation under Section 20 can only be said to have occurred when the Court forms a *prima facie* opinion that contempt had been punished and thus issues notice, did not find favour with the Bench in *Pallav Seth*.

18. The Supreme Court, in *S.Tirupathi Rao v M.Lingamaiah*¹⁴ has made reference to *Pallav Seth's*¹⁵ case noting the circumstances in which the Court had considered the argument of bar of limitation. In *Tirupathi Rao's* case, the legal issue crystalised for resolution was the terminus a quo for commencement of the point of limitation in contempt matters and

¹³ (2000) 3 SCC 171

¹⁴ (2024) 20 SCC 188

¹⁵ Foot Note Supra 12



the interplay between Section 20 of the Act read with Article 215 of the Constitution.

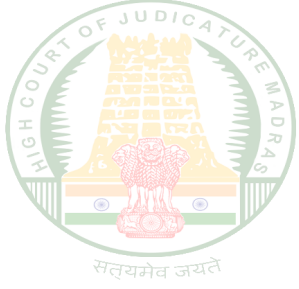
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19. The facts are not germane except to state that the specific argument dealt with by the Court was that there had been a continuing harm/offence for which that petitioner had sought exemption from the bar of limitation. The Court held that action for contempt is essentially in the nature of an original proceeding, citing the judgment of the Supreme Court in *High Court of Judicature at Allahabad v Raj Kishore Yadav*¹⁶.

20. Hence, the express negative phraseology employed in Section 20 of the Act would act as a legislative injunction placing a fetter on the power of the Court to initiate proceedings for contempt, where the petition had been presented beyond the time frame stipulated statutorily.

21. However, an exception was made possible by the expression '*date on which the contempt is alleged to be committed*' which is the starting point of the period of one year to be reckoned for limitation, and one of the ways by which this may be pressed into service by a petitioner, would be by invoking the principle flowing from Order VII Rule 6 of CPC, by showing the ground upon which the exemption is claimed.

¹⁶ (1997) 3 SCC 11

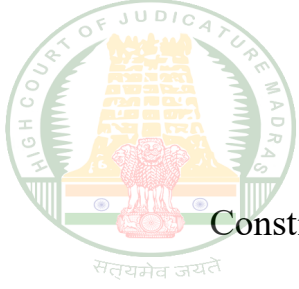


22. For instance, in a case where civil contempt is alleged by a party making reference to a continuing wrong and the party satisfies the Court of such continuing offence, then it is open to the Court to consider the same. The discretion as to whether this approach is to be taken or not would depend entirely upon the Court being satisfied that the benefit of the exemption, and the principle underlying Order VII Rule 6 CPC, should be extended in a given case.

23. In *Tirupathi Rao's* case the Bench makes it clear that the Court cannot grant exemption from limitation on equitable considerations or on the ground of hardship. Drawing inspiration from the judgment of the Privy Council in *Maqbul Ahmad v Onkar Pratap Narain Singh*¹⁷, the conclusion was that contempt proceedings being original proceedings akin to a suit, the question of seeking condonation of delay in instituting a contempt petition is not available to the petitioner. The period set out under Section 20 of the Act was absolute, barring certain exceptions, including for a continuing wrong / breach / offence that may be accepted as a ground for seeking exemption in an action for contempt.

24. The power of the constitutional Courts to punish for contempt is however an inherent power recognized by Articles 129 and 215 of the

¹⁷AIR 1935 PC 85



Constitution, as distinguishable from a power derived from Statute.

Referring to the judgments in *The Aligarh Municipal Board And Ors. v. Ekka Tonga Mazdoor Union And Ors*¹⁸, *Jhareswar Prasad Paul & Anr v. Tarak Nath Ganguly & Ors*¹⁹ and *In Re: Vinay Chandra Mishra*²⁰, the Court reiterated that no law framed by legislature can take away the jurisdiction for contempt conferred on the Courts. Having said so, they also refer to certain other judgments such as *AK Misra v State of Uttar Pradesh*²¹, *Pallav Seth (Footnote)* and *Ashok Kumar Agarwal Vs. Neeraj Kumar* wherein the Courts have held, that the power, though a constitutional exercise, must be exercised in consonance with the provisions of a validly enacted law.

25. Set in the context of the above discussion, we now proceed to decide the present matter. Admittedly, the institution of the contempt petition is barred by limitation. We have carefully perused the records and do not find any circumstances set out therein that might persuade us to exempt the present case from the limitation under the Act. In fact, the Appellant has not even made any reference to limitation in her contempt

¹⁸ (1970) 3 SCC 98

¹⁹ (2002) 5 SCC 352

²⁰ (1995) 2 SCC 584

²¹ (1998) 7 SCC 379



petition, leave along providing justification and seeking exemption from the same.

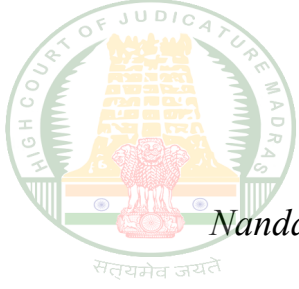
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26. Dr.Chelliah has taken us through the judgment of *Murugesu Gounder*²², particularly, the observations at paragraph 33, referring to legal maxims to the effect that it is the duty of a good judge to ensure that justice is done. In light of our understanding of Section 20 as above based on the judgements of the Apex Court, this decision is of no assistance to the Appellant. We thus concur with the learned Judge that the contempt petition was barred by limitation.

27. In the present case, the respondent has filed an appeal as against the order passed in writ petition. There has been some discussion on whether the appellant had undertaken not to press the contempt petition and we do not find anything in the records to indicate so. However, it is unnecessary for us to say anything further in that regard as we have decided the bar of limitation against the appellant.

28. Section 19 of the Act dealing with 'Appeals' states that an appeal shall lie as a matter of right in the exercise of jurisdiction 'to punish for contempt' and this has been interpreted by the Supreme Court in the case of *Mindapore Peoples Coop. Bank Ltd and Others v Chunilal*

²² Foot Note supra 2



*Nanda and Others*²³ in the following terms:-

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“1. 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 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.

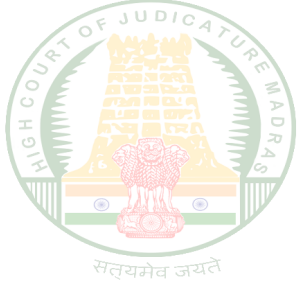
29. The position that emerges with clarity is that an appeal under Section 19 can be maintained only if the impugned order has imposed punishment for contempt. There is no other situation where an appeal may be maintained under Section 19 as against an order passed in contempt petition.

30. Mr.Anand Gopalan, learned counsel has relied upon an order passed by us in the case of *M.Devaraj & others Vs. Noor Mohammed, Superintending Engineer, Thiruvannamalai*²⁴. In that case too, we have referred to the judgment in *Midnapore Peoples' Coop. Bank Ltd*²⁵, confirming the order of the learned Single Judge.

²³ (2006) 5 SCC 399

²⁴ LPA No. 2 of 2020 dated 4.3.2026

²⁵ Foot note supra 5



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31. Incidentally, in that case, there were certain observations made on the rights of the parties, and we held that those observations were superfluous and would not influence the learned judge when dealing with the writ petition on merits.

32. In light of the discussion as aforesaid, we dismiss this appeal as being not maintainable. No costs.

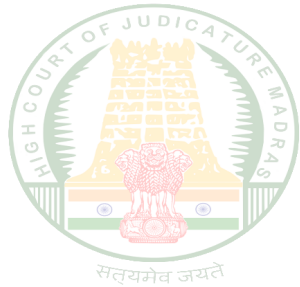
(A.S.M.,J.) (S.M.,J.)
-07-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

dp

1. J.Radhakrishnan
Chairman and Managing Director,
TANGENDCO,
New NO.144, Anna Salai
N.P.K.R.R.Maligai
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2. M.Ambiga
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