

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2015

CORAM

THE HONOURABLE MR. **JUSTICE D.HARIPARANTHAMAN**

Contempt Petition No.1712 of 2015

N.Saravanakumar

... Petitioner

vs.

1. Mr.S.K.Prabhakaran,
The Secretary,
Commercial Taxes and Registration
Department,
Fort St. George, Chennai-9.
2. Mr.K.Rajaraman,
Principal Secretary / Commissioner
of Commercial Taxes,
O/o.The Commissioner of Commercial Taxes,
Ezhilagam, Chennai-5. ... Respondent

Contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for their wilful disobedience of the order of this Court dated 22.7.2015 in M.P.No.2 of 2015 in W.P.No.21975 of 2015.

For Petitioner : Mr.V.Prakash, SC for
K.Krishnamoorthy

For Respondents : Mr.P.H.Aravind Pandian,
Addl.Advocate General,
Assisted by
Mr.V.Haribabu,
Addl.Govt.Pleader (Taxes)

ORDER

This contempt petition is filed for the alleged non-compliance of the order of this Court dated 22.7.2015 passed in M.P.No.2 of 2015 in W.P.No.21975 of 2015.

2. This Court passed an order on 22.7.2015 in M.P.No.2 of 2015 in W.P.No.21975 of 2015 staying the order of transfer dated 14.7.2015 transferring the petitioner from Tambaram to Namakkal, when he was transferred to East Tambaram from Sivagangai, by order dated 13.7.2015. Now, the petitioner has filed this contempt petition complaining that the order of stay was not complied with.

3. When the contempt petition was listed on 25.8.2015, this Court passed the following order:-

" Learned Additional Advocate General submits that Vacate Stay Petition has been filed in this matter.

2. However, this Court is not satisfied with the said reason. In this case, the petitioner was transferred from Sivagangai to East Tambaram. Immediately, he was again transferred from East Tambaram to Namakkal. Hence, this Court granted

an order of interim stay on 22.07.2014.

3. If the respondents are not taking any action to vacate the stay already granted by this Court in M.P.No.2 of 2015 in W.P.No.21975 of 2015, within a period of two weeks, this Court may be constrained to issue Statutory Notice.

Post the matter on 08.09.2015. "

While so, when the matter is listed today, the learned Additional Advocate General has submitted that the writ petition in W.P.No.21975 of 2015 itself was finally heard and the same was dismissed by this Court on merits after hearing both sides. Hence, the contempt petition can be closed.

4. However, learned senior counsel appearing for the petitioner has submitted that when the stay order was in operation, the second respondent in the writ petition issued a notice to the petitioner to show cause as to why action cannot be taken for not reporting at Namakkal. Learned senior counsel further states that the said show cause notice amounts to committing contempt of Court.

5. Though there is some force in the submission made by the learned senior counsel appearing for the petitioner that the department cannot issue show cause notice when the order of stay is in operation, I am not inclined to keep the contempt petition pending. I am of

the view that the second respondent cannot proceed against the employee for not reporting duty based on the stay order of this Court.

6. With the above observations, the contempt petition is closed.

sbi

SD/-

DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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SS/CO/04/11/2015

One CC to The Government Pleader, Sr.No.12695

To

1.The Secretary,
Commercial Taxes and Registration
Department,
Fort St. George, Chennai-9.

2.The Principal Secretary / Commissioner
of Commercial Taxes,
O/o.The Commissioner of Commercial Taxes,
Ezhilagam, Chennai-5.