

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

L.P.A.No.6 of 2015
and M.P.No.1 of 2015

Fr.Rv.Dhanam
Manager and Correspondent. ...Appellant/ Respondent

-vs-

L.Suresh Das .. Respondent/ Petitioner

Appeal originally filed under Section 19 of the Contempt of Courts Act, 1971, now re-numbered as Letters Patent Appeal, against the order dated 28.04.2014 passed in Contempt Petition No.2929 of 2014 on the file of this Court.

For Appellant : Mr.D.Ravichander

For Respondent : Mr.G.Sankaran

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

The appeal is directed against the impugned order dated 28.04.2014 passed by the learned Single Judge in Contempt Petition No.2929 of 2013. In terms thereof, subject to the result of the contempt petition, the appellant / respondent in contempt petition has been directed to pay a sum of Rs.3,36,000/- being the arrears of salary allegedly payable to the respondent / petitioner. We may note that the writ petition has been filed by the respondent challenging the order of dismissal dated 31.07.2013. In those proceedings, interim orders were granted by the learned Single Judge on 11.10.2013, whereby the order of dismissal was stayed. On account of non-payment of salary, contempt proceedings were filed, in which the aforesaid direction has been passed.

2.In the very nature of contempt proceedings, there has to be either a discharge of the contempt notice or a conviction. Thus,

the impugned order is, in a sense, beyond the scope of the contempt petition.

3.Learned counsel for the appellant states that he has already filed a vacate stay petition in the writ petition, which is pending. Learned counsel also states that he has also filed another writ petition in W.P.No.22652 of 2014 for processing the case of the appellant for de-affiliation of the welder unit from the appellant institute. In this behalf, directions have been passed by the learned Single Judge on 27.07.2015 for the respondent authorities to take a decision in this behalf within a period of four weeks from the date of receipt of the order. However, no decision is stated to have been received as yet by the appellant.

4.We are of the view that in so far as the writ petition in which interim orders were passed and thereafter contempt proceedings were filed which has given rise to the present appeal, is concerned, it will be in the fitness of things that the vacate stay petition and the writ petition itself may be disposed of, keeping in mind the limited nature of controversy involved.

5.We may note that none appeared for the respondent despite the name being printed in the cause list. However, after the order is dictated, learned counsel has put in appearance and he has been apprised of the aforesaid order.

6.The Appeal is, accordingly, allowed, leaving the parties to bear their own costs. Consequently, M.P.No.1 of 2015 stands closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sra

To

The Sub Assistant Registrar
Original Side
High Court, Madras

1 cc to M/s. D. Ravichander, Advocate, Sr. 53579

L.P.A.No.6 of 2015

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