



WEB COPY

1

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.7.2015

CORAM

THE HONBLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

Contempt Petition No.53 of 2015

Dr.D.Ramkumar .. Petitioner

Vs.

1. Rajesh Chandra, IAS
Chairman
Pondicherry Society for Higher Education
PIPMATE Complex, Lawspet
Puducherry 605 008.

2. T.Karikalan, PCS
Member Secretary
Pondicherry Society for Higher Education
PIPMATE Complex, Lawspet
Puducherry 605 008.

.. Respondents

Petition under Section 11 of the Contempt of Courts Act,
1971, for disobeying the order dated 10.9.2014 in W.A.No.961
of 2014 on the file of this Court.

For Petitioner	:	Mr.V.Goverdhanan
For Respondents	:	Mr.T.P.Manoharan

ORDER

(Made by V.Ramasubramanian,J)

This contempt arises out of the alleged non compliance
with an order passed in a writ appeal filed by the petitioner.



2. Heard Mr.V.Goverdhanan, learned counsel for the petitioner and Mr.T.P.Manoharan, learned counsel for the respondents.

3. The petitioner was transferred by an order dated 25.11.2013. He challenged the order of transfer by filing a writ petition in W.P.No.33715 of 2013. Pending writ petition, he was granted an interim order of injunction restraining the respondents from insisting upon him to join duty at the transferred place. A stay of the order of transfer was neither sought nor granted pending writ petition.

4. Eventually, the writ petition was dismissed by a learned Judge by order dated 27.6.2014.

5. After the dismissal of the writ petition, the petitioner went and joined duty in the transferred place and also filed an appeal in W.A.No.961 of 2014. The writ appeal was allowed by an order dated 10.9.2014. Paragraph 21 of the order of the Division Bench which contains the operative portion, reads as follows:

"21. In fine, the order of transfer dated 25.11.2013 passed by the second respondent transferring the appellant as HOD of English Department from the third respondent Kasthurba College for Women, Villianur, Puducherry to the 4th respondent Rajiv Gandhi Arts and Science College, Thavalakuppam, Puducherry, as well as



WEB COPY

the order passed by the learned single Judge in W.P.No.33715 of 2013 dated 27.6.2014 are set aside and the writ petition filed by the appellant is allowed. No costs. Connected miscellaneous petition is closed."

6. After the writ appeal was allowed by order dated 10.9.2014, the respondents put the petitioner back into his original station on 22.9.2014. In other words, the order dated 10.9.2014 was given effect to within a couple of weeks at least insofar as re-transfer back to the original station is concerned.

7. The grievance of the petitioner is that the pay and allowances for the period from 26.11.2013 to 29.6.2014, has not been paid and that once an order of transfer is set aside, it follows as a natural corollary and consequence that the petitioner would be entitled to all the pay and allowances for the entire period in question.

8. But, we have to point out at the outset that the entitlement of a person is different from the question as to whether the respondents are guilty of contempt or not. The question as to whether the petitioner is entitled to the full pay and allowances as a consequence of the order dated 10.9.2014, can always be agitated by the petitioner, but not



contempt, a clear case of wilful disobedience should be made out. Even if we agree with the petitioner, there has been a partial compliance. In such cases, contempt cannot be entertained. Therefore, leaving it open to the petitioner to workout his remedies, the contempt petition is closed. No costs.

kpl

SD/
DEPUTY REGISTRAR(CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SS/CO/10/07/2015

One CC to M/s.Row & Reddy, Advocate, SR.8378