

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.12.2016

CORAM

**THE HONOURABLE MR.JUSTICE S.MANIKUMAR**

**Contempt Petition No.2476 of 2016**

Dr.S.Abdul Khuddus Azami .. Petitioner

..Vs..

1. J.Radhakrishnan  
The Principal Secretary and Commissioner  
of Indian Medicine and Homeopathy Department,  
Arumbakkam, Chennai - 600 106.

2. Mohan Pyara,  
The Principal Secretary and Commissioner  
of Indian Medicine and Homeopathy Department,  
Arumbakkam, Chennai - 600 106. .. Respondents

**Prayer:** Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for having committed contempt of Court for disobeying the orders in W.P.No.16309 of 2010 dated 29.03.2011 of this Court under the provisions of the contempt of Courts Act.

For Petitioner : Mr.K.Rajkumar

For Respondents : Mr.K.V.Dhanapalan  
Spl. Govt. Pleader

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**ORDER**

Alleging non compliance of the order made in W.P.No.16309 of 2011 dated 29.03.2011, instant contempt petition is filed. Perusal of the abovesaid order shows that while setting aside an order in G.O.(2D) No.49,

Health and Family Welfare Department dated 29.05.2010, issued by the Principal Secretary to Government, Health and Family Welfare Department, Fort St. George, Chennai 9, the 1st respondent herein, this Court has issued a direction to the respondents therein to allow the petitioner to retire from service, by granting relaxation of the rules, with consequential service and monetary benefits, including retiral benefits and pension, with effect from the date of attaining the age of superannuation and to disburse the arrears.

2. During the course of hearing of the instant contempt petition, Mr.Raj Kumar, learned counsel for the petitioner fairly submitted that the appellant was allowed to retire from service, but arrears as ordered by this Court was not granted.

3. Material on record discloses that subsequently, the writ petitioner has filed W.P.No.244 of 2016, for a mandamus, directing the Principal Secretary to the Government, Health and Family Welfare Department, Chennai and others, the respondents therein, to declare the petitioner's probation and consequently to pass orders sanctioning Periodical Annual Increments after completion of each year service, selection grade pay and

special grade pay after completion of 10 years and 20 years of service, respectively, Death cum Retirement gratuity, taking into account the number of years of service rendered and the legally entitled pay and allowances including the annual increments, fixing the last pay drawn correctly as per the pay rules recasting the petitioner leave account as per the leave rules and sanction the earned leave of 240 days and unearned leave of 90 days.

4. At the time when W.P.No.244 of 2016, was heard, the grievance of the petitioner was that Government while issuing G.O.Ms.No.28 H & FW (M) 2(1) Department dated 18.01.2012, permitted the petitioner to retire from service with effect from 31.05.2010, but some of the service benefits were not given. Therefore, he made representation dated 13.11.2015 to the respondents and since it was not considered, W.P.No.244 of 2016 was filed. After hearing the learned Special Government Pleader, this Court vide order dated 06.01.2016 in W.P.No.244 of 2016, has ordered as hereunder.

*"6. Though the petitioner prayed for a large relief, this Court, in the light of the facts and*

*circumstances and without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 13.11.2015 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner."*

5. When the grievance of the petitioner regarding non disbursal of certain benefits were taken note of and directions were issued vide order dated 06.01.2016 to the respondents therein to consider the petitioner's representation dated 13.11.2015 and to pass orders on merits and in accordance with law, instant contempt petition No.2476 of 2016, for alleged non implementation of the order dated 29.03.2011 made in W.P.No.16309 of 2010, is not maintainable. If the subsequent order dated 06.01.2016 made in W.P.No.244 of 2015, has not been complied with, it is always open to the petitioner to ventilate his grievance in the manner known to law.

6. In the light of the above, the Contempt  
Petition is dismissed. No costs.

Sd/-  
JOINT REGISTRAR(OS)

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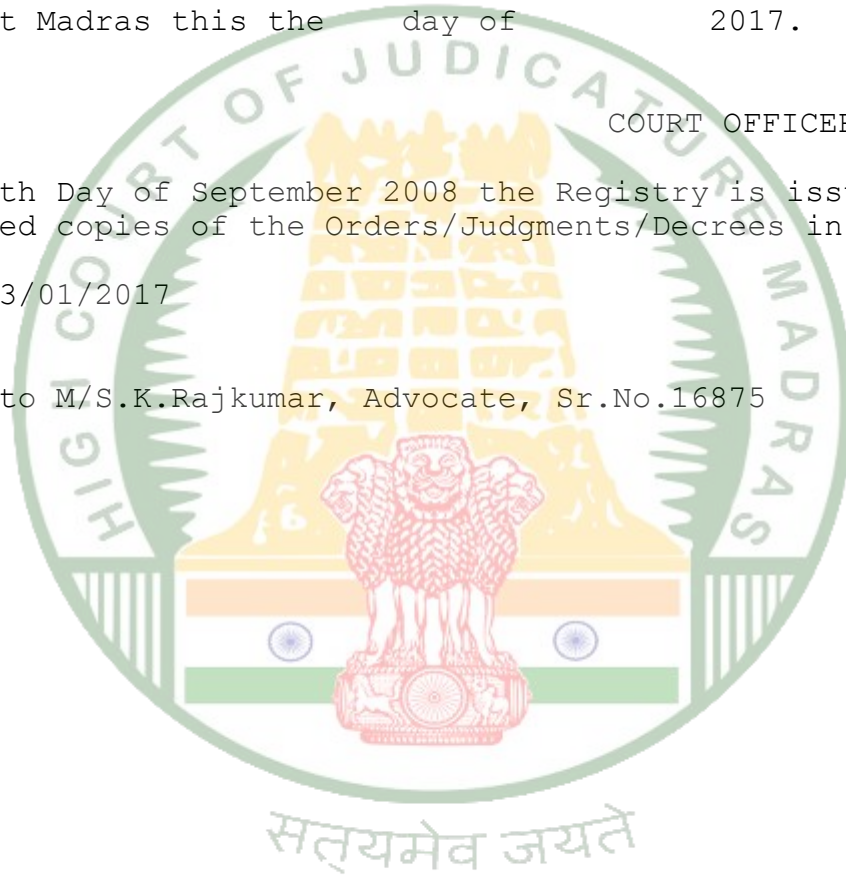
Dated at Madras this the       day of       2017.

COURT OFFICER(O.S.)

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One CC to M/S.K.Rajkumar, Advocate, Sr.No.16875



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