



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

Contempt Petition (MD)No.668 of 2016
in W.P. (MD)No.2745 of 2015
and
Sub A(MD)No.58 of 2016

P.Mehalingam

... Petitioner/Petitioner

Vs

1.Shri Arun Goyal,
Principal Accounts General,
Tamil Nadu 361, Anna Salai,
Chennai - 600 018.

2.Justin Santhappa,
Tahsildar,
Bodinayakkanur Taluk,
Bodinayakkanur,
Theni District.

...Contemnors /Respondents

Prayer:-Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondents for the willful disobedience of the order passed in W.P.(MD)No.2745 of 2015, dated 07.09.2015.

Prayer in WP(MD). 2745/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, call for the records relating to the impugned order of the 1st Respondent in the Na.Ka.Pen 2014/12618212/14-15/ADK and 2nd Respondent , NaKa 4408/2014/A1 dated 21.01.2015 and quash the same and direct the Respondent to grant the minimum pension for the petitioner s Village Administrative Officer service from the date of retirement on 01.06.2008 .

For Petitioner : Mr.P.Mehalingam

(Party-in-person)

For R - 1 : Mr.P.Gunasekaran

For R - 2 : Mrs.S.Bharathi

Government Advocate

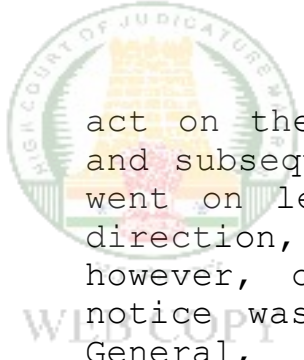
**ORDER**

This contempt petition is filed by complaining that the order passed in W.P.(MD)No.2745 of 2015, dated 07.09.2015, is disobeyed.

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2. This Court issued statutory notice to the first respondent in this contempt petition on 28.04.2016, since the order was not complied with. Subsequently, when the matter was listed on 01.06.2016, Mr.P.Gunasekaran, the learned counsel appearing for the first respondent/contemnor, has submitted that the order passed by this Court has been complied with. However, the Principal Accountant General (A & E), Tamil Nadu, was unable to appear before this Court, as he was pre-occupied with other works, however, on his behalf Mr.C.Karthikeyan, Deputy Accountant General appeared before this Court. Therefore, the appearance of the Principal Accountant General (A & E), Tamil Nadu was sought to be dispensed with. But, this Court, even though accepted the statement that the order has been duly complied with, by taking note of the fact that the Principal Accountant General neither appeared before Court nor moved an application to dispense with his personal appearance mentioning the reasons that went beyond his control, refused to close the contempt petition, and on that score, the matter was adjourned.

3. Today, an application has been filed with a prayer to dispense with the personal appearance of the first respondent/contemnor. The reasons mentioned in the application shows that, when the order was passed on 07.09.2015 in W.P(MD) No.2745 of 2015, directing the Thasildar, Bodinayakkanur, the second respondent therein, to prepare a pension proposal in the light of G.O(Ms)No.756, Revenue Department, dated 17.08.1993 and to forward the same to the Commissioner of Revenue Administration within a period of four weeks from the date of receipt of a copy of the order, the Commissioner, in turn, has been directed to forward the same with all his remarks to the first respondent-the Principal Accountant General to consider and complete the said entire exercise within a period of four weeks thereafter, however, the second respondent, through his letter, dated 06.01.2016, forwarded the pension proposals to the Principal Accountant General directly instead of forwarding the same to the Commissioner of Revenue Administration as directed by this Court. Therefore, the first respondent has returned the proposal to the second respondent-the Tahsildar on 29.03.2016 with a request to forward the same to the Commissioner. Accordingly, the second respondent has forwarded the proposals to the Commissioner of Revenue Administration on 06.04.2016, but, no proposal was received in the office of the Principal Accountant General from <https://hdservices.courtsofmadras.org/hdservices/> till 23.05.2016. In the meanwhile, since the first respondent had planned his programme to go on leave from 24.05.2016 as per his schedule, he instructed his subordinates to



act on the proposals as and when received from the Commissioner and subsequently to report the factual position to this Court. He went on leave believing that his subordinates would act on his direction, keeping in mind the orders passed by this Court, however, on finding that the order was not complied with and notice was received by the office of the Principal Accountant General, he had deputed the Deputy Accountant General (Administration), the Head of the Office, to appear on his behalf, since he had already left the place. Therefore, there is no contempt made out and, accepting the explanation, the Contempt Petition is closed.

4. It is stated that after the Principal Accountant General proceeded on leave from 23.05.2016, the proposal was received from the Commissioner on 24.05.2016 and, within three days, without causing any delay whatsoever from his side, final authorisation letter has been issued on 27.05.2016. Therefore, there is no deliberate mistake committed. In any event, the order has been duly complied with.

5. In view of the above, this Court, finding that there is no wilful disobedience, is inclined to dispense with the personal appearance of the first respondent. Accordingly, the Sub-Application is ordered and the Contempt Petition is closed.

Sd/
Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

1.Shri Arun Goyal,
Principal Accounts General,
Tamil Nadu 361, Anna Salai, Chennai - 600 018.

2.Justin Santhappa,
Tahsildar, Bodinayakkanur Taluk,
Bodinayakkanur, Theni District.

+1cc to Mr.P.Gunasekaran, Advocate in SR.No.28252
+2cc to Mr.Mehalingam, Party-i person, in SR.No.27407
+1cc to Special Government Pleader in SR.No.28753

SDR/SK-SKN/16.06.2016/3P/7C

Cont.P. (MD) No.668 of 2016
in
W.P. (MD) No.2745 of 2015