

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.1122 of 2017

K.Suthandira Mohan

... Petitioner

Vs.

Mr.Ramasamy,
Director of Cooperative Audit,
Tamilnadu Slum Clearance Board Building,
Kamarajar Salai,
Chennai - 5.
(now shifted to
O/o. Accountant General,
Nandanam, Anna Salai,
Chennai - 35.)

...Respondent

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for having willfully disobeyed the order of this Court made in W.P.No.27015 of 2013 dated 04.05.2017 under the provisions of contempt of Courts Act.

For Petitioner : Mr.T.E.Badrinathan

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

ORDER

The contempt application has been moved against the order passed by this Court on 04.05.2017 in W.P.No.27015 of 2013. Considering the facts and circumstances placed before this Court, this Court passed an order as under:

“ In view of the judgments and on facts, the impugned order is infirm. Accordingly, the impugned order dated 17.07.2013 passed by the first respondent in proceedings Na.Ka.No.35260/2011/A.Pa.A.1 is quashed. The first respondent is directed to reconsider the case of the writ petitioner in the light of the exemptions granted by the Government and in the light of the judgments rendered by this Court as cited supra and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.”

2. The learned counsel appearing for the petitioner urged this Court that though the direction was issued to the 1st respondent to reconsider the case of the writ petitioner in the light of the exemption granted by the Government within a period of four weeks, no order has

been passed in time by the 1st respondent, in response to the direction issued by this Court on 04.05.2017. Accordingly, the petitioner moved this contempt application. Notice was ordered to the respondent and the Director of Cooperative Audit added his presence before this Court on 03.10.2017. The file relating to the writ petition has been produced and on perusal of the same, it is found that the Director of Cooperative Audit has submitted a proposal to the Government in Proceedings Na.Ka.No.17776/2016/m g m 1 dated 27.06.2017.

3. The learned Special Government Pleader also made a submission that Director, Cooperative Audit has sent a proposal in favour of the writ petitioner for granting exemption, so as to extend the service benefits to the petitioner.

4. However, the Government has rejected the proposal in Government Letter No.34644/CA/2014 dated 18.08.2017. An order of rejection issued by the Government states that the case of the petitioner was considered by the Government and the order of rejection was passed

in Letter No.64418/CA/2014 dated 25.06.2015. The letter dated 25.06.2015 states that the petitioner has not completed the required Departmental test within a period of five years and therefore, he was not eligible for further promotion. Further, it is stated that there is no provision under the rules for granting exemption in favour of the petitioner. In all these grounds, the claim of the petitioner was rejected by the Government on 25.06.2015 and same reply has been reiterated by the Government in letter dated 18.08.2017, issued pursuant to order passed by this Court in WP.No.27015 of 2013 dated 04.05.2017.

5. The learned counsel appearing for the petitioner states that the order of rejection dated 18.08.2017 has not been communicated to the petitioner. However, this Court is of the view that the Government has not been impleaded as party/respondent in this writ petition and the Director alone has been impleaded as respondent. This Court has also issued direction to the 1st respondent to reconsider the case and the 1st respondent duly considered the case and sent a proposal to the Government. The Government also responded without any further delay by reiterating the earlier rejection order passed by the Government on

26.05.2015. Thus, the 1st respondent has not committed any contempt and further the proposal in favour of the petitioner was sent to the Government on 27.06.2016 within a period of four weeks from the date of receipt of the order passed in the writ petition.

6. Thus, the petitioner has not made out any case for contempt against the respondents and accordingly, no further adjudication is required in this contempt application and the same stands dismissed. No Costs.

sk/kak

03.10.2017

Index : Yes/No

Internet : Yes/No

Speaking / Non-speaking order

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S.M.SUBRAMANIAM J

kak

To

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