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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2017

CORAM :

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.705 of 2014 and

Cont P.SR.No.23979 of 2016 and

SUB APPL.SR.Nos.23980,23981/2016

Mr.S.Arumugasamy,
Deputy Superintendent of Police,
Vigilance Cell(SC/ST),
Collectorate Campus, 3rd Floor,
Trichy Region, Trichy.

... Petitioner

Vs.

1. Mr.Niranjan Mardi, I.A.S.,
Principal Secretary to Government,
Home Department,
St.George Fort,
Chennai -9.

2. Mr.K.Ramanujam.I.P.S.,
Director General of Police,
Tamilnadu,
Mylapore, Chennai-4.

...Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents herein for wilful disobedience of order in W.P.No.24322 of 2010 dated 09.11.2010.

For Petitioner : Mr.S.Xavier Felix

For Respondents : Mr.K.Venkata Ramani
Additional Advocate
General-VII Asst. by
Mr.K.Dhananjayan
Special Government Pleader



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O R D E R

This Court has passed an order in W.P.No.24322 of 2010 dated 09.11.2010, reads as follows:-

"5.In the light of the said submission, this writ petition is disposed of in terms of paragraph 7 of the judgment extracted above and consequential order has to be passed by the second respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed."

2.No doubt, there is a delay in implementing the orders of this Court. However, Mr.K.Venkata Ramani, Additional Advocate General VII, appearing on behalf of the respondents made a submission that the process took some time at the Government level and in respect of the claim of the writ petitioner, the deliberation and consideration was to be undertaken and therefore, there is an administrative delay in implementing the orders and the delay at this neither willful nor wanton.

3. Original files were produced before this Court



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dated 03.10.2007, so far as denying promotion to the petitioner is liable to be quashed and accordingly quashed. Consequently, I direct the respondents to consider including the name of the petitioner in the panel of promotion, fit for promotion to the post of Superintendent of Police from the year, which he is eligible but for G.O.Ms.No.1396 dated 03.10.2007. The said exercise has to be carried out by the respondents within a period of Six Weeks from the date of receipt of a copy of this order. The writ petition is ordered accordingly."

5.The learned counsel appearing for the petitioner cited the Judgment of the Hon'ble Supreme Court of India in the case of Union of India and other vs. Subedar Devassy Pv (Pasayat,J.) (2006)1 Supreme Court Cases 613, in paragraph 6 of the Judgment, the Hon'ble Supreme Court made an observation that:-

"6.If any party concerned is aggrieved by the order which in its opinion is wrong or against the rules or its implementation is neither practicable nor feasible, it should always either approach the Court that passed the order or invoke jurisdiction of the appellate Court. Rightness or Wrongness of the



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order cannot be urged in contempt proceedings. Right or wrong, the order has to be obeyed. Flouting an order of the Court would render the party liable for contempt."

6.This Court is of the view that the said proposition laid down by the Hon'ble Supreme Court in the above cited supra, cannot have any direct application in respect of the facts and circumstances of the case on hand. In the present Contempt Petition, the respondents have initiated action for implementing. However, it took sometime at the Government level for processing the application.

7.Under these circumstances, this Court is of the opinion that the respondents have not committed any contempt wilfully and wantedly. Though, the time limit prescribed by this Court has not been followed in its strictness, this is not a fit case where the contemnor should be punished taking note of the facts and circumstances of the case on hand.

8.This Court is of the opinion that, no further adjudication is required in this contempt petition.

Accordingly, the contempt petition stands closed. In view of the order passed in this Cont.P.No.705/2014, no further



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orders are required in Cont.P.SR.No.23979/2016 and Sub.
Appl.SR.Nos.23980,23981/2016, and all these petitions stands
closed.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

stm

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing
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KR/CO/23/01/2018

one cc to the Government Pleader SR, No. 665.

To

1. Niranjan Mardi, I.A.S.,
Principal Secretary to Government,
Home Department,
St. George Fort,
Chennai -9.
2. K. Ramanujam. I.P.S.,
Director General of Police,
Tamilnadu,
Mylapore, Chennai-4.



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Cont.P.No.705 of 2014 &
Cont.P.S.R.No.23979 of 2016 and
Sub Appl.Sr.Nos.23980-23981 of 2016

S.M.SUBRAMANIAM, J.,

The present Contempt Petition is posted under the caption, "For Being Mentioned" today (18.12.2017). The learned counsel for the petitioner brought to the notice of this Court that, another contempt application in Contempt Petition.S.R.No.23979/2016 was closed along with the present Contempt Petition No.705 of 2014.

2. On perusal of the 2nd contempt application, this Court found that the 2nd contempt petition was also filed against the very same order passed in the writ petition in W.P.No.24322 of 2010 dated 09.11.2010. Two contempt applications are impermissible against the very same order passed in W.P.No.24322 of 2010. There can be only one Contempt Petition against an order and when that was closed, there cannot be any further contempt application against the very same order.

3. Thus, this Court has to make an observation that such a practice of filing two contempt applications against the very same order needs to be deprecated. If at all any grievance exists, for the writ petitioner, it is left open to them to adjudicate the same in the manner know



to law and filing of repeated contempt applications cannot be the remedy.

4. Accordingly, this Court is of the opinion that no further orders are required and the earlier order passed on 24.11.2017 stands confirmed.

sts

Cont.P.No.705 of 2014 &
Cont.P.S.R.No.23979 of 2016 and
Sub Appl.Sr.Nos.23980-23981 of 2016