

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

CORAM

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

Contempt Petition No. 555 of 2016

D.Kanmani

... Petitioner

Vs

Thiru P.W.C.Davidar, I.A.S.,
Secretary to Government,
Personal & Administrative
Reforms Department,
Secretariat, Chennai-9

... Respondent

PRAYER : Contempt Petition filed under Section 10 & 12 of the Contempt of Courts Act, to punish the respondents for willful disobedience of the order passed in W.P.No. 17254 of 2004 dated 20.12.2006.

For Petitioner : Mr.C.Vediappan
for M/s.C.S. Associates

For Respondent : Mr.K.Dhananjayam
Special Government Pleader

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O R D E R

This contempt petition is filed against the order passed by this Court on 20.12.2006 in W.P.No.17254 of 2004.

<https://hcservices.ecourts.gov.in/hcservice3/>. The learned counsel appearing for the petitioner made a submission that the order of this Court

states that the petitioner is not entitled for any backwages during the period of non working days. Therefore, the respondent ought to have implemented the order in the year 2006 itself and there is a delay in implementation on account of the fact that the respondent had filed a review application before this Court and the review application was dismissed on 02.09.2010. After dismissal of the review application, the petitioner was reinstated into service.

3. The learned Special Government Pleader appearing on behalf of the respondent states that no doubt, the department preferred the review application and the same was dismissed and after dismissal of the review application, the petitioner was reinstated in service and appropriate order was passed by the respondent, reinstating the writ petitioner in service and she is now continuing and as per earlier order passed by this Court on 20.12.2006. The salary has been paid to the writ petitioner from the date of joining on duty. Further, the learned Special Government Pleader states that all other benefits in accordance with rules are being paid to the writ petitioner except the backwages. This Court has also clarified that the writ petitioner is not entitled for any backwages during the period of non working days. Therefore, the salary for the non working days alone was denied to the writ petitioner and rest of the benefits were granted to the writ petitioner in accordance with rules.

4. This court is of the view that the respondent has not committed any contempt of Court. This apart, the contempt application itself is filed on 15.02.2016, after a lapse of six years from the date of dismissal of the review application. However, the respondent had implemented the orders and therefore no further adjudication is required in this contempt application.

5. Accordingly, the contempt petition is closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

bsm

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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CO/23/01/2018

To

Secretary to Government,
Personal & Administrative Reforms Department,
Secretariat, Chennai-9



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