



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 29.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CONT A(MD)No. 14 of 2017

in

WP(MD)No.20573 of 2014

K.Vedachi

... Petitioner

Vs.

1.Mr.T.Rathinavel

The Director of Local Fund Audit,
Kuralagam, 4th Floor, Chennai - 600108.

2.Mr.K.Magarapusanam,

The Director of Town Panchayat,
Directorate of Town Panchayat,
Kuralagam, 4th Floor, Chennai - 600108.

3.Mr.Veeran,

The Executive Officer,
Town Panchayat,
R.S.Mangalam-623525,
Ramnad District.

...Respondents

PRAYER: Contempt Appeal filed under Clause 19 of Contempt Act, 1971, praying this Court to allow the contempt appeal by setting aside the order passed by the learned judge in Contempt SUB.A.(MD) No.122 of 2016 in WP(MD)No.20573 of 2014 dated 22.03.2017, in so far as the payment of cost of Rupees 5000/- to the Indian bank Madurai bench of Madras high Court, Madurai under saving bank account No.6514082295 operated by the Registrar(Administration) for removal of Karuvelam trees.

Prayer in SUB A(MD).122/2016:

Pleased to REOPEN the Contempt Petition (MD)No.1250 of 2015 and hear the same on merits and thus render justice.

Prayer in WP(MD). 20573/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, to direct the respondents to pass orders granting pension to the petitioner for the services rendered as Sweeper under the 3rd respondent and regularized the services from 01.10.1999 by proceedings dated 20.02.2001 by the 5th respondent



in his proceedings Na.Ka.No. 92/98 and to pay pension to the petitioner and thus render justice.

For Petitioner : Mr.A.Mujibur Rahman
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

WEB COPY

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.A.Mujibur Rahman, learned counsel appearing for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

2. This Contempt Appeal has been filed against the imposition of cost of Rs.5,000/- on the appellant, who was a Sweeper. The Court imposed the cost on the ground that it is not permissible to reopen the contempt petition alleging further disobedience.

3. The learned Counsel for the appellant / contempt petitioner would state that the Writ Court order was not fully complied with by the respondents. Therefore, contempt petition was filed wherein statutory notice was issued. After issuance of statutory notice, there was a partial compliance, but monthly pension was not released. Therefore, after the contempt was closed, the appellant / petitioner moved a sub-application to re-open the contempt because the order passed in the writ petition was not fully complied with. The Single Bench observing that merely because the appellant / petitioner was not given the monthly pension pursuant to the order passed by the respondents, it does not constitute contempt for him to reopen the contempt petition, dismissed the sub application and imposed a cost of Rs.5,000/-.

4. The learned Counsel for the appellant would state that during the pendency of these proceedings, monthly pension was released. Thus, considering the fact that the appellant is a retired sweeper, we dispose of this appeal by deleting the cost, which was imposed on the appellant.

5. Accordingly, the contempt appeal stands closed. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1.Mr.T.Rathinavel

<https://hcservices.sco.nic.in/hcservices/>
Director, Department of Local Fund Audit,
Kuralagam, 4th Floor, Chennai - 600108.



2.Mr.K.Magarapusanam,
The Director of Town Panchayat,
Directorate of Town Panchayat,
Kuralagam, 4th Floor, Chennai - 600108.

3.Mr.Veeran,
The Executive Officer,
Town Panchayat,
R.S.Mangalam-623525,
Ramnad District.

+1cc to Mr.A.S.Mujibur Rahman,Advocate,SR. 62775

CONT A (MD) No.14 of 2017
in
WP (MD) No.20573 of 2014
29.06.2017

SM/KRK
KK/SKN RSK/SAR3/24.07.2017/3P-5C/