



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twenty Second day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

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SUB A(MD) No.122 of 2016
IN
CONT P(MD) No.1250 of 2015
IN
WP(MD)No.20573 of 2014

K.VEDACHI

... PETITIONER/PETITIONER/PETITIONER

Vs

1 MR.T.RATHINAVEL,
THE DIRECTOR OF LOCAL FUND AUDIT, KURALAGAM,
4TH FLOOR, CHENNAI-08.

2 MR.K.MAGARAPUSANAM,
THE DIRECTOR OF TOWN PANCHAYAT,
DIRECTORATE OF TOWN PANCHAYAT,
KURALAGAM, 4TH FLOOR, CHENNAI-108.

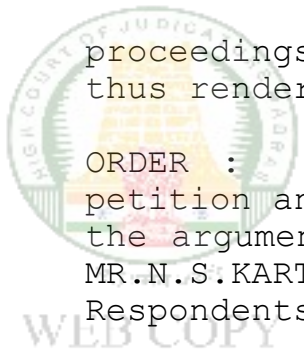
3 MR.VEEAN,
THE EXECUTIVE OFFICER,
TOWN PANCHAYAT,
R.S. MANGALAM-25,
RAMNAD DISTRICT.

... RESPONDENTS/RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to REOPEN the Contempt Petition (MD) No.1250 of 2015 and hear the same on merits and thus render justice.

Prayer in CONT P(MD). 1250/ 2015 : To punish the respondents for the wilful disobedience of the order of this Honourable Court dated 17.12.2014 and made in WP(MD)No.20573 of 2014 under section 11 of the Contempt of Courts Act 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 5th 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.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.VADIVELU, Advocate for the petitioner and of MR.N.S.KARTHIKEYAN, Additional Government Pleader on behalf of the Respondents the court made the following order:-

The short facts in this case are as follows:

The petitioner earlier filed a writ petition in W.P.(MD). No.20573 of 2014. By order dated 17.12.2014, this Court has passed the following order:

"3. The petitioner is directed to resubmit a copy of the representation dated 28.06.2014 to the respondents 2 and 3 and 5 along with the copy of the order and on receipt of the same, the respondents 2, 3 and 5 are directed to dispose of the representation of the petitioner within a period of 8 weeks from the date of receipt of a copy of this order."

2. Pursuant to the order of this Court, the respondents passed an order in the month of January fixing the commuted pension. Though the petitioner admitted that the amount fixed was paid to him, his grievance is that the monthly pension is not disbursed periodically thereafter. Originally, the Contempt Petition filed by the petitioner was closed, after recording the letter dated 08.01.2016 allowing pension to the petitioner. After the disposal of the contempt petition, the petitioner has filed the present Sub-Application seeking to re-open the contempt petition and to hear the same on merits.

3. The contention of the petitioner is that the first respondent though by proceedings, calculated the arrears of pension along with retirement benefits and disbursed to the petitioner, the monthly pension from 01.01.2016 was not disbursed to the petitioner. It was only on account of this, the petitioner has filed the present Sub-Application for re-opening the contempt petition.

4. The order of this Court dated 17.12.2014 is only to dispose of the representation of the petitioner within a period of eight weeks from the date of receipt of a copy of this order. In terms of the order, the respondents have already passed orders as submitted by the petitioner. It was only by accepting the letter dated 08.01.2016, this Court has also closed the contempt petition earlier. Merely because, the petitioner was not given the monthly pension, pursuant to the order passed by the respondents, it does not constitute an out of contempt for the petitioner to reopen the contempt petition. The fact remains that the order of this Court has been complied with by passing the order earlier. After the contempt petition is closed, recording the compliance of the order, it is not permissible to reopen by alleging further disobedience of the order, by way of Sub-Application. Hence, the Sub-Application is dismissed



with a cost of Rs.5,000/- (Rupees Five Thousand only) to the Indian Bank, Madurai Bench of Madras High Court, Madurai under Savings Bank Account No.6514082295, operated by the Registrar (Administration) for removal of Karuvelam Trees.

sd/-
22/03/2017

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/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 MR.T.RATHINAVEL,
THE DIRECTOR OF LOCAL FUND AUDIT, KURALAGAM,
4TH FLOOR, CHENNAI-08.
- 2 MR.K.MAGARAPUSANAM,
THE DIRECTOR OF TOWN PANCHAYAT,
DIRECTORATE OF TOWN PANCHAYAT,
KURALAGAM, 4TH FLOOR, CHENNAI-108.
- 3 MR.VEEAN,
THE EXECUTIVE OFFICER,
TOWN PANCHAYAT, R.S. MANGALAM-25, RAMNAD DISTRICT.

COPY TO: 1 THE REGISTRAR (ADMINISTRATION),
(REMOVAL OF KARUVELAM TREES),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE BANK MANAGER,
INDIAN BANK, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 cc to M/S.A.S.MUJIBUR RAHMAN, ADVOCATE, SR No. 17459

Akv

CSL/CM-MSA/SAR-IV/07.04.2017 : 3P/7C

ORDER
IN
SUB A(MD) No.122 of 2016
IN
CONT P(MD) No.1250 of 2015
Date :22/03/2017