

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Contempt Case No. 2534 of 2017

Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The order, violation of which is alleged in this Contempt Case, was passed in W.P. No. 27661 of 2017 dated 21.8.2017 whereby the official respondents were directed to consider and take a decision, in terms of GO Ms. No. 138 dated 8.8.2017, with utmost expedition and, in any event, not later than three months from the date of receipt of a copy of the order.

The respondents passed a reasoned order on 30.10.2017, directing that the petitioner would retire from service with effect from 31.10.2017 on attaining the age of superannuation. This order dated 30.10.2017 is said to be in violation of the order passed by us in W.P. No. 27661 of 2017 dated 21.8.2017.

As noted hereinabove, the order passed by us only required the respondents to consider, and take a decision in terms of GO Ms. No. 138 dated 8.8.2017 with utmost expedition; and, in any event, not later than three months from the date of receipt of a copy of the order. The order dated 30.10.2017 was passed well within the three months period stipulated in our order dated 21.8.2017.

While Sri I. Laxmikanth Rao, learned counsel for the petitioner, would contend that the decision taken by the respondents is not in terms of GO Ms. No.138 dated 8.8.2017, these are all matters which can only be agitated in independent legal proceedings, and not in proceedings under the Contempt of Courts Act. This Court would exercise its jurisdiction, under the Contempt of Courts Act, only if the order of this Court has been wilfully and deliberately violated. As the

respondents have passed an order on 30.10.2017, it cannot be said that the order of this Court has been violated, much less wilfully and deliberately.

We see no reason, therefore, to proceed against the respondents under the Contempt of Courts Act. The Contempt Case is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. No order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

8th December, 2017

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