

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

Cont.P.No.1824/2018 in WP.No.15632 of 2018

L.M.Saravanan

.. Petitioner

Vs.

1. Malarvizhi, I.A.S.
The District Collector,
Dharmapuri, Dharmapuri District

2. V.Santhanam,
The Personal Assistant (Development)
to the District Collector,
Dharmapuri, Dharmapuri District

3. Arulmozhithevan,
The Commissioner,
Panchayat Union, Nallampalli,
Dharmapuri District.

.. Respondents

Contempt Petition filed under section 11 of the Contempt of Courts Act, 1971, to punish the respondents herein for having committed contempt of Court by not obeying the order dated 26.06.2018 passed in WP No.15632 of 2018 in accordance with law.

For Petitioner : Mr.C.Umashankar

For Respondents: Mr.M.Thamizharasan
Government Advocate

ORDER

Heard the submissions of the learned counsel for the petitioner and Mr.M.Thamizharasan, learned Government

Advocate appearing on behalf of respondents/contemnors.

2. It appears that the petitioner had filed W.P.No.14110 of 2018 challenging the order of suspension from the post of driver under the Collector of Dharmapuri. But soon after a writ petition was filed, his order of suspension was revoked and he was posted in Morappur Panchayat Union as a driver which post was lying vacant. The petitioner thereafter came to challenge the same in this writ petition in W.P.No.15632 of 2018 indicating therein that soon after the revocation of suspension order he has been transferred to the above place vindictively. The petitioner had also filed a stay petition to stay the impugned order pending disposal of the writ petition. This court while issuing notice in the writ petition, directed if petitioner has not been relieved pursuant to such order, shall not be relieved.

3. The petitioner thereafter being not allowed to work in his post where from he was suspended filed the contempt petition against the respondents for non compliance of the interim order of this Court.

4. However, today the counsel appearing for the State has drawn notice of this Court to the fact that in fact the aforesaid order impugned is not an order of transfer but an order of posting issued soon after the revocation of suspension.

5. On perusal of the aforesaid order impugned, it would go to show that suspension order was revoked and the petitioner was posted to another place but not posted in the post where from he was suspended. There is no material indicating the fact that after revocation of suspension, the petitioner in fact had joined in the place where from he was suspended. In such premises, this Court is of the view that the petitioner's question of relieve from his original place of posting for joining in the new place does not arise and as such this Court is prima facie convinced of the fact that no case is made out for contempt for violation of the interim order .

6. Hence the contempt petition filed by the petitioner is dismissed on the ground that there was no violation of this Court order by not allowing the petitioner to join in the post where from he was suspended. But the same is without any prejudice to the claim of the petitioner indicating the fact that the order posting after revocation of suspension impugned is being vindictive and as such can not be sustained.

7. Furthermore, it is observed that the petitioner may also join in the new place of posting within a week hence but the same is without prejudice to the claim of the petitioner in the writ petition challenging the posting

order. Salary if any not paid to the petitioner for the

period he was working be paid immediately. No coercive action shall also be taken against the petitioner for non compliance of the order impugned in the writ petition by not joining till the end of period stipulated above. However, in the circumstances there shall be no order as to costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

LOK

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

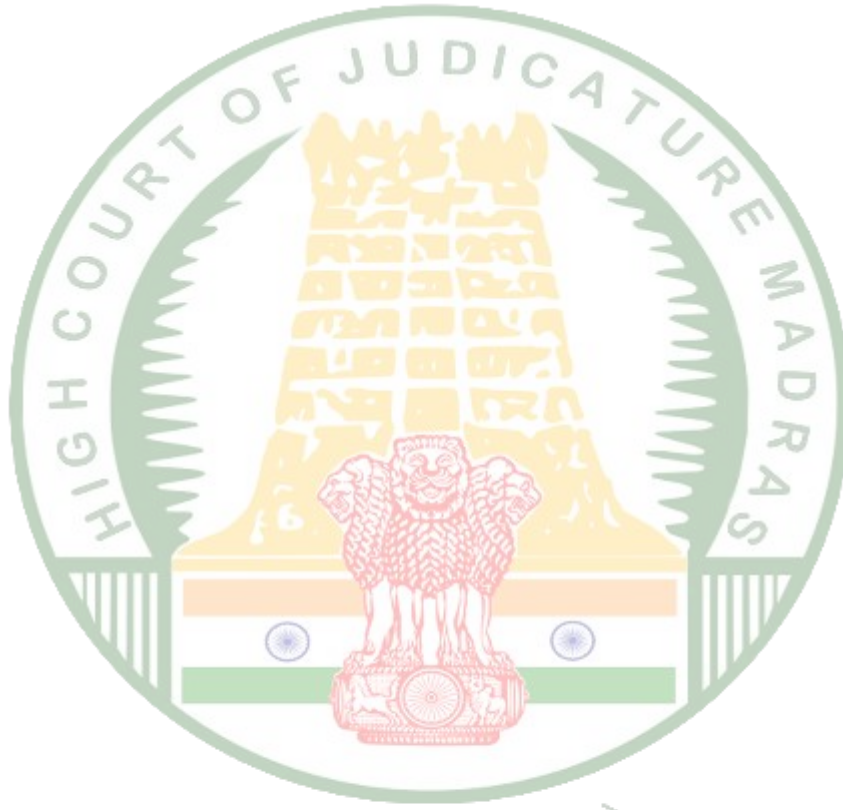
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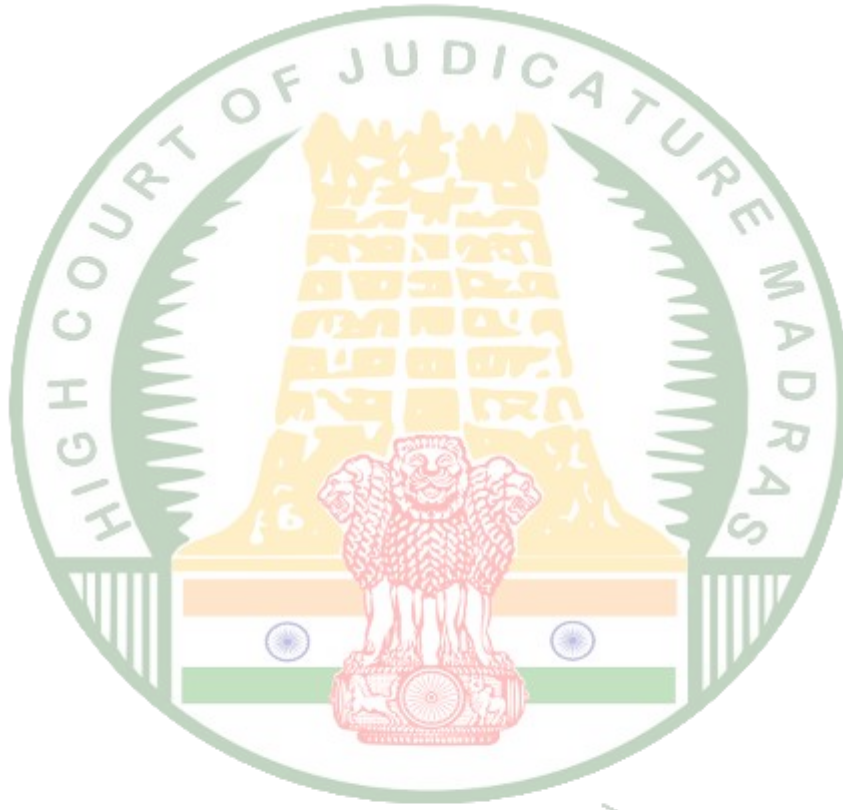
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one cc to the MR.C.UMASHANKAR, ADVOCATE, SR.NO.11413



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