

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.12.2018

Coram

The Hon'ble Mr. Justice **V.PARTHIBAN**

Cont.P.No.1276 of 2018

P.M.Anandan

... Petitioner

vs.

Atulya Misra, I.A.S.,
The Principal Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
Fort St.George,
Chennai-600 009

... Respondent

Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for the wilful disobedience of the order passed by this Court in W.P.No.33911 of 2013, dated 19.07.2017.

For Petitioner... Mr.D.Veerasekaran

For Respondent .. Mr.K.Bhuvaneswari, A.G.P.

ORDER

Alleging that the order of this Court, dated 19.07.2017, made in W.P.No.33911 of 2013, has not been complied with by the first respondent, the petitioner has come up with the present contempt petition.

2.In W.P.No.33911 of 2013, vide order dated 19.07.2017, this Court passed the following order:

"8.The learned counsel appearing for the petitioner further attempted to cite a few decisions, stating that the disciplinary action cannot be initiated at the interest of a third party. However, in view of the findings of this Court that the order passed by the appellate authority impugned in the writ petition suffers from grave infirmity since it was passed without going into the merits and de-merits of the case in terms of the Rule 23, the matter is remanded back to the first respondent for fresh consideration. The appellate authority, namely, the first respondent is directed to pass a well considered and detailed order on the basis of lacuna and infirmities pointed out by the petitioner in his appeal dated 23.06.2012. The appellate authority is also directed to consider the quantum of punishment imposed on the petitioner on the basis of the evidence that was made available in the enquiry by the Tribunal. It is needless to mention that the appellate authority shall consider all the circumstances of the

case including the motive attributed by the petitioner for initiating the disciplinary action against him. The appellate authority/first respondent is directed to pass orders in the appeal, within a period of one month from the date of receipt of a copy of this order, after affording a personal hearing to the petitioner."

3. When the matter is taken up for hearing, it is represented by the learned Additional Government Pleader that although the direction issued by this Court, vide its order dated 19.07.2017, has not been complied with by the first respondent within the stipulated time, yet the first respondent has passed an order in G.O.(2D) No.263, dated 02.08.2018, rejecting the claim of the petitioner.

4. According to the learned counsel for the petitioner, the order passed by the first respondent is not in furtherance of the directions contained in the order passed by this Court in true letter and spirit.

5. On a perusal of the Government Order passed by the first respondent, it is seen that detailed reasons have

been given for rejecting the claim of the petitioner. If the petitioner is still aggrieved by the rejection order passed by the first respondent, it is always open to him to challenge the said order in an appropriate proceedings, in the manner known to law and it is not open to him to sustain the present contempt petition, in view the compliance reported by the first respondent. Accordingly, the contempt petition is closed.

MSK

SD/-
ASSISTANT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)

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