

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2018

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

Cont.P.No.2219 of 2017and Sub.A.No.78 of 2018

S.Geetha

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Petitioner

Vs.

Mr.A.Balakrishnan,
The President,Cuddalore and Villupuram Districts Treasuries
and Accounts Department Employees Cooperative
Credit and Thrift Society,
Cuddalore.

...

Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Court Act, praying to punish the respondent for his act of wilful disobedience of the order dated 09.06.2017 in W.P.No.14135 of 2017

For Petitioner : Mr.P.Ganesan

for M/s.K.Govindarajan

For Respondent : Mr.T.Mohan

for Mr.A.Suresh Sakthi Murugan

O R D E R

Mr.C.T.Mohan, learned counsel appearing for the respondent viz., President of the Cuddalore and Villupuram District Treasuries and Accounts Department Employees Cooperative Credit and Thrift Society, Cuddalore, has submitted that this Court has passed an order dated

09.06.2017 in W.P.No.14135 of 2017, directing the respondent herein to reinstate the petitioner in service within a period of two weeks from the date of the order, provided there is no appeal pending as against the order dated 18.11.2016 passed by the Joint Registrar of Cooperative Societies, Cuddalore. However, as against the order dated 18.11.2016, the respondent herein has filed a revision dated 20.07.2017, which was rejected on 09.08.2017. Against which the respondent herein has filed a Writ Petition in W.P.No.25328 of 2017 and an order of interim stay was granted on 27.09.2017, which is much prior to issuance of statutory notice in this contempt petition i.e., on 19.01.2018, however, this was not brought to the notice of this Court by the respondents.

2. The learned counsel appearing for the respondent has further submitted that since the interim order of stay was granted on 27.09.2017, the President of the Society/respondent herein is of the view that the department would have brought to the notice of this Court as to the grant of interim stay in W.P.No.25328 of 2017. However, in view of the communication gap, statutory notice has been issued by this Court on 19.01.2018 and despite the same, the petitioner failed to appear and therefore, this Court directed the jurisdictional police to secure the contemnor and produce him before this Court, vide order dated 19.02.2018. In pursuant to the order passed by this

Court dated 19.02.2018, respondent herein is present before this Court today. Sub.A.No.78 of 2018 has been filed seeking to recall the order dated 19.02.2018.

2. This Court also finds that the order of stoppage of increment modifying the dismissal order, which was stayed by this Court in W.P.No.25328 of 2017, was not brought to the notice of this Court while issuance of statutory notice by this Court on 19.01.2018 and so also on 19.02.2018. In that view of the matter, Sub.A.No.78 of 2018 is allowed and the order dated 19.02.2018 is recalled. Personal appearance of the President of the respondent Society, who is present before this Court, is dispensed with.

3. Since the order of interim stay granted on 27.09.2017 in W.P.No.25328 of 2017 was not brought to the notice of this Court earlier, this Contempt Petition itself is closed.

SD/-
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

To
Mr.A.Balakrishnan,
The President,
Cuddalore and Villupuram Districts Treasuries
and Accounts Department Employees Cooperative
Credit and Thrift Society,
Cuddalore.

one cc to Mr.A.Suresh Sakthi Murugan,Advocate,Sr.No.3215



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