

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

Cont.P.No.1898 of 2018

M.Thirugnanam, Age 68 yrs.,
S/o.Late Manickam Pillai,
Residing at Paangal,
Suramangalam Post,
Thirukuvalai Taluk,
Nagapattinam District.

...Petitioner

Vs.

Atulya Misra, I.A.S.,
Secretary,
Revenue Department, Fort St. George,
Chennai 600 009.

... Respondent

PRAYER:

Petition filed under Section 11 of Contempt of Courts
Act to punish the respondent herein for willfully
disobeying the order made in W.P.No.32788/2014 dated
06.12.2017.

For Petitioner :Mr.K.Raja

For Respondents :Mr.P.H.Aravind Pandian
Additional Advocate General
Assisted by
Ms.A.Sri Jayanthi
Special Government Pleader

O R D E R

The present Contempt Petition is filed to punish the
respondent for willfully disobeying the order passed by
this Court in W.P.No.32788 of 2014 dated 06.12.2017.

2.This Court passed an order dated 06.12.2017, directing the 1st respondent to consider the representation submitted by the Writ Petitioner on 22.10.2013 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of that order.

3.The learned counsel for the Writ Petitioner states that the respondent issued a G.O.(1D)No.468, dated 06.09.2018, granting regularisation in favour of the Writ Petitioner by relaxing the rules. However, the pension as admissible has not been paid.

4.This Court is of the considered opinion that the direction issued in the Writ Petition is to consider the representation of the petitioner on merits. The representation submitted by the Writ Petitioner was considered and an order was passed granting the order of regularisation by relaxing the relevant rules. Thus, filing of the Contempt Petition by the petitioner is certainly unwarranted and such an approach of the petitioner can never be appreciated at all. While filing the Contempt Petition, the petitioner must be cautious and the averments in the Contempt Petition must be in reference to the order passed by this Court, which forms basis for moving the Contempt Petition, when the Petitioner is very much aware that this Court directed the respondent to consider his representation and pass an order on merits and

in accordance with law and the Government also considered the representation of the petitioner and passed a G.O.(1D)No.468, dated 06.09.2018.

5.The learned counsel for the petitioner states that no pension has been paid to the petitioner, which is not ordered by this Court in W.P.No.32788 of 2014, if at all the petitioner is eligible for pension and the said benefit is denied, it constitutes separate cause of action. Therefore, the present Contempt Petition is unnecessarily filed, without even looking into the spirit of the order passed by this Court in W.P.No.32788 of 2014.

6.Accordingly, the Contempt Petition stands dismissed with the cost of Rs.500/-, to be paid to the High Court Legal Services Authority, on or before 04.01.2019.

7.Post the matter for reporting compliance on 07.01.2019.

सत्यमेव जयते

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

sai/dna

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

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