

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-04-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.559 of 2019

Mr.L.M.Saravanan,
S/o.Mariappan,
Hindu, aged about 48 years,
Residing at Laligam Village and Post,
Nallampalli Taluk,
Dharmapuri District ... Petitioner

vs

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

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

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

Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for having committed contempt of Court by not obeying the order passed by this Court in Contempt Petition No.1824 of 2018 in WP No.15632 of 2018 dated 7.8.2018.

For Petitioner

: Mr.C.Umashankar

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents

: Mr.A.N.Thambidurai,
Special Government Pleader.

ORDER

The present contempt petition is filed to punish the respondents for disobeying the orders of this Court dated 7.8.2018 passed in Contempt Petition No.1824 of 2018 in WP No.15632 of 2018, wherein in paragraphs 6 and 7 of the order, this Court passed the following 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."

2. The learned counsel for the contempt petitioner states that the salary for the interregnum period has not been paid.

3. The learned Special Government Pleader, appearing on behalf of the respondents, relying on the proceedings dated 14.12.2018 states that the salary for the period in which the writ petitioner has worked had already been settled and in respect of the disputed period wherein the writ petitioner had not served is to be decided only after the conclusion of the departmental disciplinary proceedings and therefore, the said period for regularisation and payment of salary would be considered after the disposal of the departmental disciplinary proceedings.

4. On a perusal of the order of this Court dated 7.8.2018 passed in Contempt Petition No.1824 of 2018 in WP No.15632 of 2018, it is categorically stated "salary if any not paid to the petitioner for the period he was working be paid immediately". Thus, in respect of the period in which the writ petitioner had worked, the salary had already been settled. All other disputes are to be resolved only after the disposal of the departmental disciplinary proceedings pending against the petitioner.

5. This being the factum, this Court is of the opinion that the respondents have not committed any contempt and accordingly, the contempt petition stands closed. However, there shall be no order as to costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

svn

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Sm/06/05/2019

To

1.The District Collector,
Dharmapuri,
Dharmapuri District.

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

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