

Cont. P. No.515 of 2015

**M.M.SUNDRESH, J.
and
M.NIRMAL KUMAR, J.**

(Order of the Court was made by **M.M.SUNDRESH, J.**)

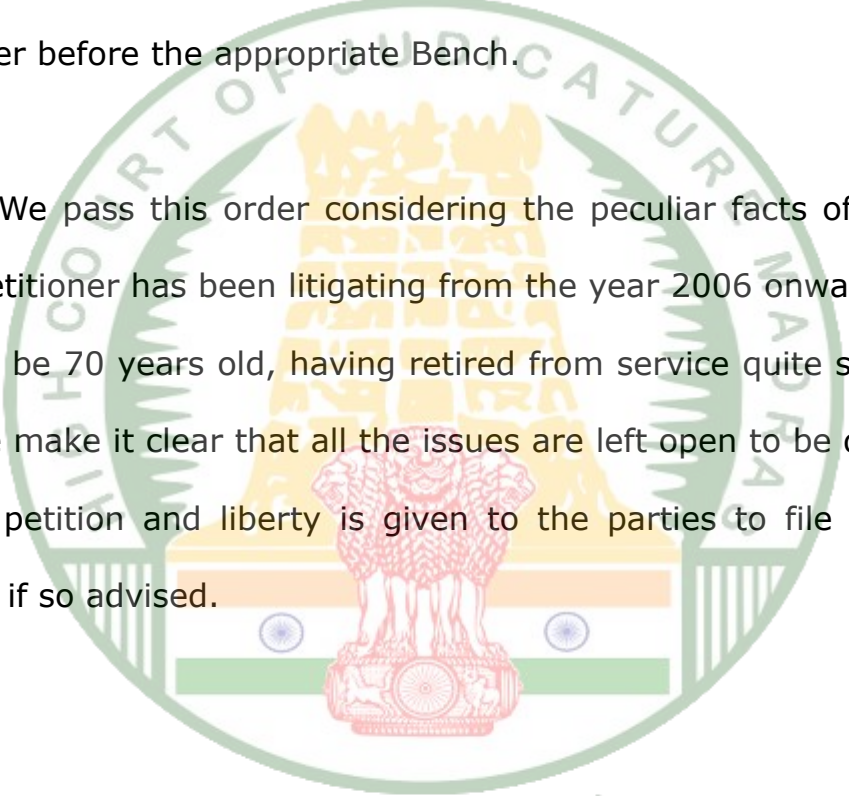
Alleging that the order of the Division Bench has not been complied with in letter and spirit, the present contempt petition has been filed.

2. Though the learned counsel appearing for the petitioner submitted that the order passed by the contemnors is not in letter and spirit of the order passed by the Division Bench, we are not inclined to go into the same since we are dealing with the contempt jurisdiction.

3. Law is quite settled that if an order is passed in purported compliance of the order and in the absence of any apparent wilful disobedience, the contemnors cannot be hauled up for contempt. Similarly, the merits and demerits of such an order cannot be put to test by way of contempt jurisdiction. In such view of the matter, we

are not inclined to haul the respondents for contempt. However, considering the submissions made by the learned counsel appearing for the petitioner that the petitioner is 70 years old and he has been agitating the matter from the year 2015, we are inclined to direct the Registry to re-number this contempt petition into writ petition and post the matter before the appropriate Bench.

4. We pass this order considering the peculiar facts of the case as the petitioner has been litigating from the year 2006 onwards and is stated to be 70 years old, having retired from service quite some time back. We make it clear that all the issues are left open to be decided in the writ petition and liberty is given to the parties to file additional grounds, if so advised.

The seal of the Supreme Court of India is a circular emblem. It features a central golden Ashoka Lion Capital on a base of four abacus. The capital is flanked by two golden horses. The entire emblem is set against a green background with a white border. The words 'SUPREME COURT OF INDIA' are written in a circular path around the emblem. Below the emblem, the motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script. To the right of the motto, the names of the judges '(M.M.S.J.) (M.N.K.J.)' and the date '16.08.2019' are printed.
(M.M.S.J.) (M.N.K.J.)
16.08.2019

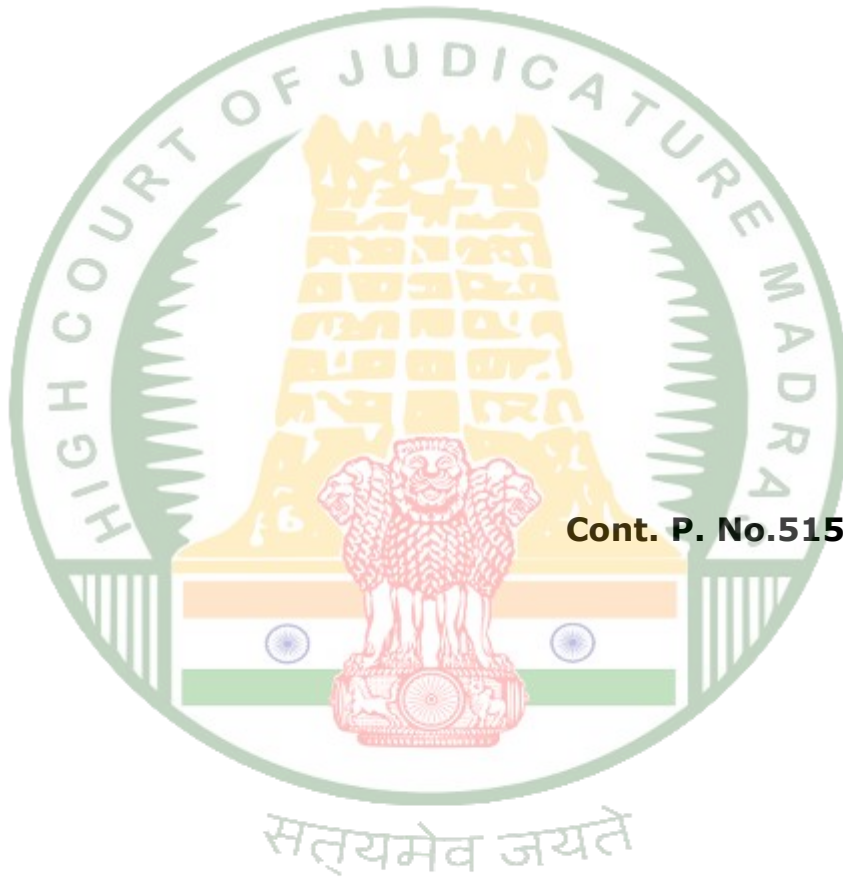
mmi/ssm

WEB COPY

Cont P No 515 of 2015

**M.M.SUNDRESH, J.
and
M.NIRMAL KUMAR, J.**

mmi



Cont. P. No.515 of 2015

WEB COPY

16.08.2019