

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

Contempt Petition No. 1388 of 2019

A.Vicraman

... Petitioner

Vs.

1. Mr.Apporva Varma I.A.S.,
Secretary,
The Government of Tamil Nadu,
Tourism and Culture Department,
Fort St.George, Chennai 600 009.

2. Mr.Ramalingam I.A.S.,
The Commissioner,
Arts and Culture Complex II floor,
Near Children Hospital Egmore,
Chennai - 600 008.

... Respondents

Prayer: The Contempt Petition has been filed under Section 11 of Contempt of Courts Act, 1971 praying to punish the respondents herein for his deliberate and willful disobedience of the order dated 19.01.2018 passed in W.P.No.3670 of 2012 on the file of this Hon'ble Court.

For Petitioner : Ms.H.Mary Sowmy Rexi

For Respondents : Mr.K.K.Ramesh, AGP

O R D E R

The instant contempt petition has been filed for noncompliance of the order dated 19.01.2018 passed in WP.No.3670 of 2012. This Court had passed the following

directions in para 22, which reads as under:-

"In view of the above, this Court allows this writ petition and therefore, the impugned order dated 23.08.2011 is also quashed and the petitioner is entitled to all service benefits as directed by this Court in the earlier proceedings including the seniority from 30.04.1998 except back wages. The directions of this Court shall be complied with by the respondents 1 and 2 within a period of eight weeks from the date of receipt of copy of this order. No Costs."

2. The learned counsel for the respondent has filed a proceeding dated 30.09.2018 of the Commissioner, Arts and Culture Complex II floor, Near Children Hospital, Egmore, Chennai-08, stating that the order stands complied with. The learned counsel for the petitioner states that though the respondents have given other service benefits but have not given the increment that to which the petitioner would be entitled between 30.04.1998 till 10.03.2003. The learned counsel therefore states that since increments has not been given, it amounts to willful disobedience of the order of this Court.

3. The learned counsel for the respondent states that the entire order stands complied with fully. The question is as to whether the denial of back wages would include the increments that the petitioner would earned and whether

denial of back wages would also include the increments also and non-payment of increment will not amount to contempt. Contempt proceedings can be initiated only for willful disobedience of the order of this Court. A order capable of two interpretations does not invite contempt. This Court is not adjudicating on the issue as to whether denial of back wages includes denial of increments during the period. The petitioner can raise this issue in a separate proceeding if so advised. Contempt is disposed of.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

pkn

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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

Smi/01/10/2019

To

1. Secretary,
The Government of Tamil Nadu,
Tourism and Culture Department,
Fort St.George, Chennai 600 009.

2.The Commissioner,
Arts and Culture Complex II floor,
Near Children Hospital Egmore,
Chennai - 600 008.