

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.09.2019

CORAM

THE HONOURABLE MR. JUSTICE **SUBRAMONIUM PRASAD**

Cont.P.Nos.1000 & 1001 of 2019

A.Merlin Thaka Daniel .. Petitioner
in Cont.P.No.1000 of 2019

E.Simson Jesudass .. Petitioner
in Cont.P.No.1001 of 2019

.Vs.

Mr.Koshy Mathew
The Correspondent Secretary,
No.497, YMCA College of Physical Education,
Nandanam,
Chennai 600 035.

..Respondent in both
Cont.Ps

Common Prayer : These Contempt petitions filed under
section 11 of the Contempt of Courts Act, 1971 for
deliberately and wilfully disobeying the orders of this
Court dated 30.01.2019 in W.P.No.31332 and 31331 of 2016

For Petitioner : Ms.L.Parvin Banu
(both Cont.Ps) for M/s.Row and Reddy

For Respondent : Mr.V.Jayaprakash
(both Cont.Ps)

COMMON ORDER

This Court by an order dated 06.09.2019, has
passed the following directions:

"The contemnor is present in

Court.

2.It is also stated that a sum of Rs.50,000/- imposed by way of costs stands disbursed in Court and the proof of receipt has been produced today.

3.The learned counsel for the Contemnor prays two weeks to file reply.

4.The principal ground seems to be that the order is impossible for compliance for the reason that the allied proceedings are pending before the Delhi High Court.

5.It is made clear that the reason given by the Contemnor is not accepted and the consequences under the contempt of the Court Act will follow. Adjourned to 27.09.2019.

6.The presence of Contemnor is dispensed with for the next hearing".

2.The learned counsel for the respondent submitted that a letter dated 25.09.2019, by the YMCA College of Physical Education which reads as under:

Dr.George Abraham,
Principal & Secretary

25.09.2019

To

1.Dr.E.Simson Jesudas
2.Dr.A.Merlin Thanka Daniel

Sub: Reinstatement of Assistant Professors

As per the decision of the College Management Board meeting held on 20th September 2019, instant and as directed by Mr.Bertram Devadas, Officiating General Secretary cum Receiver of National Council of Indian YMCAs.

I hereby intimate you to join duty with immediate effect. Your service conditions will be continued as per the original appointment and as per the decision of the Board of Management.

The communication is as per the Hon'ble Madras High Court order dated 30.01.2019. The issue of your back wages will also be complied with the said court order.

Sd/-xx
Dr.George Abraham
Principal & Secretary

Copy to

- 1.Justice Kurian Joseph (Retd), Chairman, YMCA College of Physical Education.
- 2.Mr.bertram Devasas, Secretary cum Receiver, NCYI
- 3.Mr.Christopher Vijay, Project Secretary, YMCA College of Physical Education.

3.Though, the petitioners have been reinstated into service and the back wages are yet to be paid. The letter aforesaid mentioned states that the issue of back wages will also be complied with, the contempt petitions are closed. It is directed that the back wages will be paid to the petitioners, within a period of six months from

today, failing which, the petitioners are at liberty to initiate fresh contempt proceedings for violation of the order of this Court.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

kp

//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/01/11/2019

To

The Correspondent Secretary,
No.497, YMCA College of Physical Education,
Nandanam,
Chennai 600 035.