

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.09.2019

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THE HONOURABLE MR. JUSTICE SUBRAMONIUM PRASAD

Cont.P.No.1240 of 2019 in WP No.17291 of 2017

Mrs.P.Esther

..

Petitioner

Versus

Mrs.D.Beela Rajesh

The State of Tamil Nadu, Secretary,
Health and Family Welfare (L1) Department,
Fort St. George,
Chennai 600 009

..

Respondent

Contempt petition filed under section 11 of the Contempt of Courts Act to punish the respondent contempt of Court for the Wilful disobedience of the order date 06.12.2018 made in WP No.17291 of 2017

For Petitioner : Mr.S.Venkataraman

For Respondent : Mr.L.P.Shanmugasundaram,
Special Government Pleader

ORDER

This Contempt petition has been filed alleging non-compliance of the order passed in WP No.17291 of 2017.

2. This Court vide order dated 06.12.2018 made in WP No.17291

of 2017 had allowed the writ petition and set aside the impugned order. This Court remitted the matter back to the 1st respondent for considering the claim of the petitioner in the light of G.O.Ms.No.268 of Health and Family Welfare Department dated 20.09.2010 and other Government orders and verification of the record. This Court directed that the whole exercise shall be done by the first respondent, within a period of twelve weeks from the date of receipt of the copy of the order. The petitioner was also permitted to give one more representation to the Government / first respondent along with a copy of the order.

3. Mrs.K.Bhuvaneswari, learned Additional Government Pleader appearing for the respondent / contemnor would submit that in compliance to the order of this Court dated 16.12.2018, the respondent has considered the representation of the petitioner and rejected the claim made by the petitioner vide proceedings dated 16.05.2019 in Letter No.30099/L1/2017-4. She therefore prays for closure of this contempt petition.

4. The learned counsel for the petitioner would submit that the

respondent, vide proceedings dated 16.05.2019 in Letter No.30099/L1/2017-4, was not correct in rejecting the request made by the petitioner and the same is not in consonance with G.O.Ms.No.268 of Health and Family Welfare Department.

5. This Court cannot take into consideration the arguments made by the learned counsel for the petitioner. This Court by the order dated 06.12.2018 in WP No.17291 of 2017, which is the subject matter of the Contempt, had directed the respondent to complete the case of the petitioner and the respondent has considered the representation of the petitioner and has rejected the same vide order dated 16.05.2019 in Letter No.30099/L1/2017-4. This Contempt petition is closed. If the petitioner is aggrieved by the said rejection order, he is at liberty to challenge the said rejection order by filing a fresh writ petition, in accordance with law, before the Competent Forum.

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SUBRAMONIUM PRASAD.,J

To

Mrs.D.Beela Rajesh
The State of Tamil Nadu, Secretary,
Health and Family Welfare (L1) Department,
Fort St. George,
Chennai 600 009



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