



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Cont A. (MD) No.6 of 2019

K.Govindasamy

:Appellant/Appellant/
Petitioner

Vs.

1.K.P.Shanmuga Rajeswaran

The Inspector General of Police,
South Zone,
Madurai.

2.Kapilkumar C.Sarthkar

The Deputy Inspector General of Police,
Tirunelveli Range

3.P.Ve.Arunshakhi Kumar

The Superintendent of Police,
Tirunelveli District.

4.Shreenath

The Superintendent of Police,
at Nagercoil at Kanyakumari District.

5.Omprakash Meena

Superintendent of Police,
Ramanathapuram District.

: Respondents/Respondents

PRAYER: Petition is filed under Section 11 of the Contempt of Courts Act, 1971 against the order dated 21.01.2019 in Cont. P(MD) No.1287 of 2018.

Prayer in CONT P(MD). 1287/ 2018 :

To punish the respondents herein for the act of contempt committed them for their willful disobedience and non compliance of the order of this Honble Court made in WP(MD)No.3403 of 2018 dated 02.03.2018.

Prayer in WP(MD). 3403/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records relating to the orders Transfer and posting of Police Constable vide D.O.984/2017 in C.No.A4/43015/2017 dt.29/11/2017 passed by the 4th respondent and the consequential order Transfer and Postings in C.No.A3/31356/2017,D.O.No.134/2018 dated 09/02/2018 passed by the 5th respondent and quash the same and consequently direct the respondents to grant all attendant monetary benefits as per promotion order passed by the 4th respondent dt.30/08/2016 with effect from 01/03/2016 as Grade I PC to the petitioner.



For Appellant
For Respondents

: Mr.M.Sankar
: Mr.K.Chellapandian
Additional Advocate General assisted by
Mr.A.K.Baskarapandian
Special Government Pleader

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JUDGMENT

P. N. PRAKASH, J

When this Contempt Appeal was taken up for hearing, the learned Additional Advocate General brought to the notice of this Court the following facts:

(a) Challenging the order passed by the learned single Judge in W.P.(MD) No.3403 of 2018 dated 02.03.2018, the department filed W.A.(MD) No.1547 of 2018, in which, the Division Bench of this Court, by judgment dated 26.11.2018, has modified the order passed by the learned single Judge in the following terms:

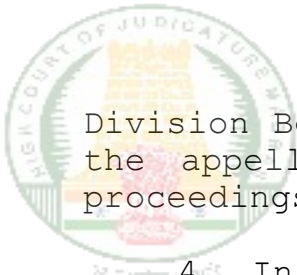
"7.In the aforesaid circumstances, the order dated 02.03.2018 passed by the learned Judge in W.P.(MD) No.3403 of 2018 insofar as it relates to quashing the impugned order No.D.O.984/2017 in C.No.A4/43015/2017 dated 29.11.2017 and order in C.No.A3/31356/2017, D.O.No.134/2018 dated 09.02.2018, are alone set aside as unnecessary and the order under appeal is confirmed in all other respects.

8.Resultantly, the Writ Appeal is allowed in part and the order dated 02.03.2018 in W.P.No.3403 of 2018 is modified only to the limited extent mentioned supra. The computation of the monetary benefits due to the petitioner in pursuance of the order No.D.O.728/2016 in C.No.A4/35799/2016, dated 30.08.2016 shall be made expeditiously and disbursed to him and a compliance report to that effect shall be filed before the Registrar (Judicial) of this Court by 28.02.2019. No costs. Consequently, the connected Miscellaneous Petition is closed."

(b) During the pendency of the writ appeal, the petitioner filed Cont. P(MD) No.1287 of 2018 before the learned single Judge alleging that the department had not complied with the order dated 02.03.2018 in W.P.(MD) No.3403/2018. After hearing either side, the learned single Judge closed the said contempt petition, on 21.01.2019 by holding that the department has complied with the directions issued in the writ petition. Challenging the order dated 21.01.2019, this Contempt Appeal has been filed.

2. In this Contempt Appeal, the appellant has not disclosed about the final order passed in W.A(MD) No.1547/2018 dated 26.11.2018.

3. Mr.M.Sankar, learned counsel for the appellant, submitted that the appellant did not appraise him of the order passed by the



Division Bench in W.A.(MD) No.1547/2018. He further contended that the appellant engaged one Advocate by name, R.Murugan in those proceedings and that he was engaged only in this proceeding.

4. In such view of the matter, recording the submission of Mr.M.Sankar, since the appellant has suppressed the order passed by the Division Bench in W.A.(MD) No.1547/2018 dated 26.11.2018, this Contempt Appeal stands dismissed with cost of Rs.10,000/- (Rupees ten thousand only) payable by the petitioner to Gandhi Museum, within four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.Mr.K.P.Shanmuga Rajeswaran
The Inspector General of Police,
South Zone,
Madurai.
- 2.Mr.Kapilkumar C.Sarthkar
The Deputy Inspector General of Police,
Tirunelveli Range
- 3.Mr.P.Ve.Arunshakhi Kumar
The Superintendent of Police,
Tirunelveli District.
- 4.Mr.Shreenath
The Superintendent of Police,
at Nagercoil at Kanyakumari District.
- 5.Mr.Omprakash Meena
Superintendent of Police,
Ramanathapuram District.

Copy to

The Curator
Gandhi Museum
Madurai - 625 020.

+1cc to Mr.M.SANKAR, Advocate, SR.No.64626

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Dated: 27.04.2019