



WEB COPY

Cont.P.No.1856 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CONT. P. No.1856 of 2012

in

W.P. No.2913 of 2011

P. Thanga Suruli,
Formerly Revenue Officer,
(Under Suspension),
Kancheepuram Municipality,
Kancheepuram

... Petitioner

Vs.

Tr. Ajay Yadav, I.A.S.,
Commissioner of Municipal Administration,
"Ezhilagam" Chepauk,
Chennai - 600 005.

... Respondent

Prayer: Petition filed under Section 11 of contempt of Court Act, 1971, praying to punish the respondent for their wilful and intentional disobedience to the order of this Court in W.P. No.2913 of 2011 dated 02.07.2012.

For Petitioner	: No Appearance
For Respondent	: Mr.M. Elumalai, Government Advocate



ORDER

WEB COPY This Contempt petition has been filed praying to punish the respondent for their wilful and intentional disobedience to the order of this Court in W.P. No.2913 of 2011 dated 02.07.2012.

2. When the matter came up for hearing today, the learned Government Advocate appearing for the respondent would submit that even though the suspension order was set aside by order dated 02.07.2012 of this Court, the respondents were granted liberty in the order as follows:

"8. In view of this. the suspension orders passed in all these writ petitions are set aside. However, the respondents are at liberty to post these petitioners in a far away place from the station of occurrence and post them in a non-sensitive post and if for any reason, the authorities are of the opinion that their continuance in service is a hindrance for the action initiated against them, they can re-examine the issue and they are at liberty to take appropriate action."

Since the respondents are at liberty to take appropriate action, the respondents have initiated criminal proceedings against the petitioner and the same is under trial before the Chief Judicial Magistrate cum Special Judge, Chengalpattu. It is further submitted that W.A.No.3863 of 2019 has been preferred against W.P. No.2913 of 2011 and it was ordered by this Court as below:

".... since the respondent/petitioner has already attained the



Cont.P.No.1856 of 2012

age of superannuation, the writ appeal is consigned to records".

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3. The learned counsel for the respondent further submitted that a letter dated 07.12.2020 has been received from the Commissioner of Municipal Administration, Chennai addressing to the Government pleader, High Court, stating that the petitioner is being paid the subsistence allowance every month since the subsistence allowance was admissible rule 53(1) of Fundamental Rules during suspension period.

4. In view of the aforesaid reasons, the order dated 02.07.2012 made in W.P. No.2913 of 2011 could not be complied with. Hence, there is no violation of the order of this Court. Counter affidavit has also been filed to the effect of the aforesaid submissions before this Court.

5. Recording the aforesaid submissions made by the learned Government Advocate, the contempt petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

ibm

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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Cont.P.No.1856 of 2012

GS/01/04/2021

To:

The Commissioner of Municipal Administration,
"Ezhilagam" Chempauk,
Chennai - 600 005.