

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2020

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

Cont.P.No.2912 of 2013

in

W.P.No.3839 of 2011

M.Narasimman

... Petitioner/Petitioner

-vs-

1. Mr.Harmander Singh, I.A.S.,
The Secretary,
Handloom, Handicraft, Textiles & Khadi Department,
St.George Fort, Secretariat, Chennai.
 2. Mr.Harmander Singh, I.A.S.,
The Director of Sericulture (Incharge),
Foulke's Compound, Anaimeedu,
Salem – 636 001.
 3. S.Kumaravel,
The Assistant Director of Sericulture,
Government Large Scale Silk Farm,
Kolatti, Denkanikottai T.K.,
Krishnagiri D.T.
- ... Respondents

Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act, 1971, seeking to punish the respondents for wilful disobedience of the order passed in W.P.No.3839 of 2011 dated 11.10.2012 passed by this Hon'ble Court.

For Petitioner : Mr.Babu Rangasamy

For Respondents : Mr.M.Elumalai
Addl. Govt. Pleader

ORDER

(The case has been heard through video conference)

The contempt petition has been filed to punish the respondents for willful disobedience of the order passed by this Court in W.P.No.3839 of 2011 dated 11.10.2012.

2. Learned counsel for the petitioner submitted that the petitioner prayed for a mandamus in the Writ Petition, directing the respondents to disburse all the retiral benefitst, including the arrears of salary with effect from the year 2004 till the date of settlement together with interest and the relief sought for by the petitioner was granted by this Court on 11.10.2012 by holding as under:

“11. Considering the over all circumstances referred to above, I am of the considered view that the petitioner who has put in several years of service shall not be allowed to walk away without any benefits. Therefore, the writ petition stands ordered, directing the respondents to disburse the terminal benefits to the petitioner, which he is entitled to and the same has to be paid within a period of eight weeks from the date of

receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.”

Learned counsel for the petitioner further submitted that though there was no reference in the order with regard to the year from which the benefits have to be granted to the petitioner, pursuant to the grant of the relief in entirety, the petitioner is entitled to arrears from the year 2004, whereas the respondents granted the benefits only from the next date of passing second language test, namely, Tamil on 16.12.2010 by an order dated 27.11.2013. The petitioner is not at fault for non-holding of the second language test by the respondents and therefore, he is entitled to the relief from the year 2004.

3. This Court cannot clarify the order passed in the Writ Petition, in the Contempt Petition and this Court can only see whether the order has been complied with or not and this Court, while hearing the Contempt Petition, cannot act as an Appellate Court to clarify the order of the Single Judge and give different interpretation to the order of the Single Judge.

4. The 3rd respondent has stated that the Government already issued an order in No.258 dated 27.11.2013, extending all the retirement benefits to the petitioner from the next date of passing second language test (Tamil)

on 16.12.2020. Since the benefits have been granted to the petitioner on or from the date of passing of second language test on 16.12.2020, this Court is not inclined to issue any Statutory Notice to the respondents, as there was no wilful disobedience of the orders of this Court. If the petitioner is really aggrieved by G.O.258 dated 27.11.2013, it is open to him to work out his remedy before the appropriate Forum in the manner known to law and he cannot seek any benefits with effect from 2004 or from the future date by filing a Contempt Petition.

5. With the above observation, the Contempt Petition is dismissed. In case the Government Order has not been questioned earlier and is questioned after closure of this Contempt Petition, the respondents are at liberty to take the defence of laches. No costs.

SD/-

सुतराग्रेण नृणां
ASSISTANT REGISTRAR(COMM.CASES)

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Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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SMI/30/12/2020

To

1. The Secretary,
Handloom, Handicraft, Textiles & Khadi Department,
St.George Fort, Secretariat, Chennai.
2. The Director of Sericulture (Incharge),
Foulke's Compound, Anaimeedu,
Salem – 636 001.
3. The Assistant Director of Sericulture,
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