

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17..03..2020

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Contempt Petition No.12 of 2016

K.Ganesan

... Petitioner

-Versus-

Thiru. M.Vijayan,
Executive Officer,
Arasiramani Town Panchayat,
Salem District.

... Respondent

Petition filed under Section 11 of The Contempt of Courts Act, 1971, praying to punish the respondent under the provisions of The Contempt of Courts Act for his willful disobedience of the final order of this court dated 08.06.2015 made in W.P.No.16117 of 2015.

For Petitioner : Mr.P.I.Thirumoorthy

For Respondent : Mr.M.Elumalai, GA

ORDER

This contempt petition has been filed seeking to punish the respondent for disobeying the order of this court dated 08.06.2015 made in

W.P.No.16117 of 2015.

2. This court, by order dated 08.06.2015, while setting aside the order impugned in the writ petition in respect of pay revision as well as order of recovery passed as against the petitioner, remitted the matter back to the 2nd respondent for passing fresh orders after hearing the petitioner. The grievance of the petitioner is that though the 2nd respondent passed an order afresh refunding the amount recovered from him, no opportunity of hearing was afforded to the petitioner and therefore, the 2nd respondent is liable for contempt of court.

3. When the matter is taken up today for hearing, the learned Government Advocate appearing for the respondent submitted that the order has been complied with by the respondent. He has also produced a xerox copy of the order passed by the respondent in Na.Ka.No.131/2014 dated 12.02.2016 in compliance with the order of this court made in the writ petition.

4. The learned counsel for the petitioner would, however, contend that though there has been a direction to pass fresh orders after hearing the petitioner, no opportunity of hearing was afforded to the petitioner before passing the order afresh. Therefore, the respondent is liable for contempt of court.

5. However, considering the fact that now the amount, which was recovered from the petitioner, had been refunded, if the petitioner has got any grievance over the order passed by the 2nd respondent dated 12.02.2016, referred to above, in respect of pay revision, it is always open to the petitioner to

challenge the same in the manner known to law, if so advised.

In the light of the above, this contempt petition is closed, however, with the above observations. No costs.

SD./-

ASSISTANT REGISTRAR(COMM.CASES)

kmk

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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SMI/04/06/2020

सत्यमेव जयते

To

The Executive Officer,
Arasiramani Town Panchayat,
Salem District.

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