



WEB COPY

Cont.P.No. 1871 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2020

CORAM :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

Cont.P.No. 1871 of 2019

Dr.M.Thalamadai Karuppiah,
No.34, Cathedral Garden Road,
Nungambakkam, Chennai 34

... Petitioner

Vs.

Shri. Chandra Kishore Mishra, I.A.S,
The Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan,
Jorbagh Road, Aliganj,
New Delhi - 110003.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for having not only violated but also disobeyed the order of this Court made in W.P.No.14065 of 2018 dated 09.10.2018.

For Petitioner : Mr.R.Malaichamy

For Respondent : Mr.G.Karthikeyan,
Assistant Solicitor General

ORDER

This Contempt Petition has been filed by the petitioner, inter alia,

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alleging that the order of the Division Bench has not been complied with in letter and spirit with respect to the cut off date fixed for rendering the benefit.

2. The learned counsel for the petitioner submitted that the Special Leave Petition filed against the order of the Division Bench was dismissed and therefore, the petitioner is entitled for the relief.

3. Mr.G.Karthikeyan, learned Assistant Solicitor General, submitted that the writ petition itself was filed by the contemnor against the order of the Tribunal, wherein it has been stated that the petitioner is entitled for retrospective promotion from the date on which his immediate juniors were conferred the said benefit. Unfortunately a wrong statement has been made before the Division Bench, though it was made on the presumption that the petitioner herein would be given the same benefit. As the writ petition itself has been filed by the Contemnor, the petitioner cannot have any grievance. Even before the Hon'ble Apex Court, it has been clearly stated that the benefit would be conferred from 10.10.2015 onwards only. Therefore, we do not find any wilful disobedience in this case.

4. The order of the Tribunal is very clear and specific. For the sake of



convenience, we reproduce the operative portion of the said order in Paragraph No.6 in O.A.No.310/01388/2015 dated 22.09.2016, which is extracted here under;

"Accordingly, the respondents, are directed to grant promotion to the applicant retrospectively with effect from the date of promotion of the applicant's immediate junior recommended for promotion, in the meeting held on 07.10.2015."

5. Admittedly the petitioner herein has not challenged this order. Therefore, he cannot ask for a higher relief than the one conferred by the Tribunal in his favour when a wrong statement has been made on behalf of the contemnor before the Division Bench. Perhaps, that is the reason why a correct statement has been made by the learned Assistant Solicitor General before the Hon'ble Apex Court to the effect that the petitioner has been given promotion with effect from 10.10.2015. Law is quite settled that a wrong statement or a mistake committed will not enure to the benefit of a party especially, when he seeks implementation based upon the order passed by the Court and he has not challenged the same. Therefore, the petitioner cannot ask for a higher relief than the one granted by the Tribunal. Thus, looking it from any perspective, we do not find any wilful disobedience involved.



6. The Contempt Petition is, accordingly, closed. If the petitioner is of the view that he is entitled for a higher relief as it was granted in favour of similarly placed persons other than the one which was taken note of, he can always work out his remedy in the manner known to law.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

kmm/sra

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/01/04/2021

To

The Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan,
Jorbagh Road, Aliganj,
New Delhi - 110003.