

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2020

CORAM:

THE HONOURABLE MR. **JUSTICE S. VAIDYANATHAN**

Contempt Petition No.1940 of 2019

V. Jayaraj

... Petitioner

vs.

1. C. Kathiravan, I.A.S.,
District Collector, Erode.

2. S. Kavitha,
District Revenue Officer,
Erode District, Erode.

... Respondents

Contempt Petition filed under under Section 11 of the Contempt of Courts Act, seeking to punish the Respondents herein for willfully and deliberately disobeying the order dated 22.07.2019 passed by this Court in W.P.No.7835 of 2017.

For Petitioner : Mr. G. Bharadwaj

For Respondents : Mr. B. Kannan,
Government Advocate

O R D E R

Petitioner has come up with this Petition seeking to punish the Respondents herein for willfully and deliberately disobeying the order dated 22.07.2019 passed by this Court in W.P.No.7835 of 2017.

2. In paragraph 5 of the order dated 22.07.2019 passed in W.P.No.7835 of 2017, this Court, placing reliance on an Apex Court decision in the case of **State of Tamil Nadu vs.**

Promod Kumar reported in **AIR 2018 SC 4060**, has held as under:

<https://hcservices.ecourts.gov.in/hcservices/>

"5. In view of the above, the Writ Petition is allowed and the learned Criminal Court is directed to expedite the matter without adjourning the matter beyond 15 days at any point of time and the Respondents are expected to take a decision to reinstate the Petitioner in a non-sensitive post within a period of forty five days from the date of receipt of a copy of this order in the light of the Apex Court's decision in the case of **State of Tamil Nadu vs. Promod Kumar, I.P.S.** (cited supra) and also **Ajay Kumar Choudhary vs. Union of India** through its Secretary and another, reported in 2015 (3) CTC 119. ..."

3. Pursuant to the said order of this Court, a decision has been taken by the 2nd Respondent, vide proceedings dated 26.09.2019 in Na.Ka.No.25690/2014/A4. According to the Petitioner, the order dated 26.09.2019 passed by the 2nd Respondent amounts to disobedience of the order of this Court, which is wilful and deliberate.

4. Whether the suspension of the Petitioner needs to be continued or whether the Petitioner should be reinstated, is a decision to be taken on the Administrative side and that is the reason why, this Court has passed an order expecting the Respondents to take a decision to reinstate the Petitioner. Further, there is no specific direction that, the Petitioner should be posted in a non-sensitive post. Whether the decision of the 2nd Respondent runs counter to the decision of the Apex Court or not, has to be decided by means of separate proceedings and this Court cannot decide the said issue in Contempt proceedings.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Also, whether the decision rendered in the cases of **Promod Kumar and Ajay Kumar Choudhary** (*cited supra*) is on the point or not will be decided, in case, the Petitioner challenges the proceedings dated 26.09.2019 by means of a separate proceedings.

6. As there is no wilful contempt of the order dated 22.07.2019 passed by this Court, **this Contempt Petition is closed**, with liberty to the Petitioner to challenge the proceedings dated 26.09.2019 passed by the 2nd Respondent herein, within one month from the date of receipt of a copy of this order.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

AEB

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

NRK/26/02/2020

To

1. The District Collector,
Erode.

<https://hcservices.ecourts.gov.in/hcservices>
2. The District Revenue Officer,
Erode District,
Erode.