

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2020

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Cont.P.No.2198 of 2019

V.Revathy

...Petitioner

Vs.

Otem Dai, I.A.S.,
Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.

...Respondent

Prayer : Contempt Petition filed under Section 11 of Contempt of Courts Act, 1947, to punish the respondents herein for their willful disobedience to the order made in W.P.No.36602 of 2016 dated 30.10.2018.

For Petitioner : Mr.T.Ranganathan

For Respondent : M/s.M.Lalitha
Government Advocate

O R D E R

The contempt petition is filed to punish the respondents for willful disobedience of the orders passed by this Court on 30.10.2018 in W.P.No.36602 of 2016.

2. This Court passed an order in W.P.No.36602 of 2016 dated 30.10.2018 and the relevant paragraphs are extracted hereunder:

3. This Court is of an opinion that the writ petitioner is a widow and now seeking settlement of the dues in respect of the works done by her husband, while serving as a contractor. Thus, the authorities competent have to verify the factual details and take a decision and pass orders.

4. In this view of the matter, the 1st respondent is directed to consider the representation submitted by the writ petitioner on 19.09.2016 and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of the representation and all relevant documents, if any, along with the order passed in this writ petition.

5. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

3. First of all, such a direction was considered by this Court on account of the fact that husband of the writ petitioner was a contractor who executed the work and a representation was made before this Court that the petitioner being the wife of the deceased contractor was not in a position to recover the amount from the Government. Under these circumstances, this Court was inclined to pass a direction to verify the factual details and take a decision and pass orders. Such a direction was issued in order to redress the grievances of the writ petitioner, if otherwise, the files are clear. When the contempt application was filed, the learned Government Advocate appearing on behalf of the respondents made a submission that the files with reference to the contract concerned were verified along with details and the respondent passed an order in letter No.22153/ADW2/2019-2, dated 03.01.2020. Accordingly, the respondents have taken the following decision:

5. *In the circumstances stated above, I am to state that, since the factual details may be available only at the Directorate of Adi Dravidar*

Welfare and its Sub-ordinate Offices, the Director, Adi Dravidar Welfare was instructed to take necessary action based on the above orders and the Director vide his letter dated 20.09.2019 has instructed the District Adi Dravidar and Tribal Welfare Officer, Chennai to reject your request based on the following reasons and sent the copy of the same to this Government.

(i) Tmt.Revathy W/o Thiru.K.M.Vinayagam(late) has claimed that her husband has executed works for the tune of Rs.18 lakhs as per the oral instructions of the then District Adi Dravidar and Tribal Welfare Officer, Chennai but he has signed the contract only for Rupees Eight lakhs. There is no signature in the contract for balance amount of Rupees Six Lakhs. For the balance amount of Rupees One Lakh the estimate for works itself has not been prepared.

(ii) As per the Oral instructions, Tmt.G.Jagadeeswari contractor has worked for Rs.3.00 lakhs. The individual has signed the Tender documents. But the Original work completion report is not available and only a copy of the work completion report is available. Photos for before commencement and after completion of works are also not enclosed with the copy of the

completion report.

(iii) No ratification orders were obtained for the work done on the basis of oral instructions.

(iv) The then District Adi Dravidar and Tribal Welfare Officer, Chennai has not signed the Work order, Contract documents, Work completion report and M book.

4. The learned counsel for the contempt petitioner made an attempt to solicit the attention of this Court regarding the merits of the case. This Court is of the considered opinion that the merits regarding the dispute can never be adjudicated in a contempt proceedings and furthermore, this Court directed the respondent to consider the representation and pass orders. This apart, these disputes and issues are with reference to the contract of the deceased husband of the writ petitioner. Such disputes and issues cannot be decided in a writ proceedings and the disputed facts with reference to the contract works are to be decided only by producing original documents and by adducing evidences. Such an exercise cannot be done either

in a writ proceedings, under Article 226 of the Constitution of India or in the contempt proceedings. Thus, it is left open to the writ petitioner to redress her grievances in the manner known to law. However, the order passed by this Court on 30.10.2018 in W.P.No.36602 of 2016 has been complied with and the respondents have not committed any willful disobedience of the orders passed by this Court. Accordingly, the contempt petition stands closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

ssb

//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.

SMI/27/01/2020

To
The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.