



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

Dated : 26.08.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Contempt Petition.(MD)No. 284 of 2020

in

W.P. (MD)No.4864 of 2018

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Thondiraj

... Petitioner

-vs-

1.Baskaran, I.A.S,
Director of Municipal Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.Rajan,
Regional Director of Municipal Administration,
294, Melakkal Main Road,
Kochadai, Madurai - 625 016.

3.K.Malathi,
Municipal Commissioner,
Karaikudi Municipality,
Mudiyarasan Salai,
Karaikudi, Sivagangai District.

... Respondents

Prayer:- Contempt petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnors/respondents for contempt for willfully disobeying the order of this Court in W.P. (MD)No.4864 of 2018, dated 07.08.2019.

Prayer in WP(MD). 4864 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 3rd respondent to disburse 75% of subsistence allowance as per the existing time scale of pay along with arrears to the petitioner based on the petitioners representation dated 29/08/2016 within a fixed time limit that may be fixed by this Honourable Court.

For Petitioner: Mr.P.Saravanakumar

For R1 : Mr.C.Ramesh,
Special Government Pleader

For R3 : Mr.P.Mahendran,
Standing Counsel.



O R D E R

The Contempt Petition has been filed for alleging willful disobedience of the order dated 07.08.2019 made in W.P.(MD)No.4864 of 2018.

2. This Court passed an order dated 07.08.2019 made in W.P.(MD)No.4864 of 2018. This Court has passed the following directions :

"5. By considering the submissions made on both sides, this Court, without expressing any opinion on the merits of the case, directs the 1st respondent to consider the petitioner's representation, dated 29.08.2016 and pass appropriate orders, by taking note of the orders passed in the Judgment of the Hon'ble Supreme Court reported in **2015 (3) CTC 119, (Ajay Kumar Choudhary Vs. Union of India (UOI) and others)**, within a period of eight weeks from the date of receipt of a copy of this order.

6. It is open to the petitioner to approach the authority for seeking the subsistence allowance or other relief if permissible under law.

7. With the above observations and directions, both the writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed."

3.The learned Special Government Pleader appearing for the first respondent submitted that the respondent has complied with the order dated 07.08.2019, thereby rejecting the the claim of the petitioner. Aggrieved by the same, the petitioner has filed a Writ Petition in W.P.(MD) No.7161 of 2020, challenging the impugned order 02.02.2020. As regards the subsistence allowance, this Court has not passed any positive direction. He further submitted that based on the petitioner's representation, 75% of the subsistence allowance has been paid to the petitioner.

4.According to the learned counsel for the petitioner, arrears has not been paid to the petitioner. Hence, the first respondent has not complied with the order of this Court.

5.On perusal of the aforesaid order passed by this Court, there is no specific direction granted for the payment of the subsistence allowance or for any arrears. Therefore, the present Contempt Petition is not maintainable. If the petitioner is aggrieved, he should challenge the same by way of filing the appropriate Writ Petition or to approach the Authority concerned under due process of law.



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6.In view of the above, the Contempt Petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

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Sub Assistant Registrar (CS)

das

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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