



WEB COPY

Cont.P.No.797 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 24.11.2021

CORAM

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

Cont.P.No.797 of 2021

Zahida Jabeen,
Assistant Professor,
Department of Home Science,
Justice Basheer Ahmed Sayeed College
for Women,
309, Anna Salai,
Teynampet, Chennai 600 018

... Petitioner

vs.

1.Mr.Faizur Rahman Sayeed
Correspondent
Justice Basheer Ahmed Sayeed Women's College
No.309, Anna Salai
Chennai – 600 018.

2.Dr.R.Ravanan
The Regional Joint Director of
Collegiate Education
Chennai Region
Saidapet
Chennai – 600 035.

...Respondents

PRAYER: Contempt Petition has been filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for their wilful disobedience of the orders of this Hon'ble Court dated 09.02.2007 passed in

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

Contempt Petition No.710 of 2006 as confirmed by the order dated



05.04.2006 passed by the Hon'ble Division Bench of this Court in W.A.No.2001 of 2001.

For petitioner : Mr.G.RM.Palaniappan

For respondents : Mr.B.Senthilnathan for R1
Mr.L.S.M.Hasan Fizal, AGP
for R2

ORDER

(Order of the Court was made by **K.KALYANASUNDARAM, J.,**)

This Contempt Petition has been filed for the wilful disobedience of the order passed in Cont.P.710 of 2006 dated 09.02.2007.

2.The petitioner was appointed as a Lecturer in the 1st respondent College on 23.02.1993. However, her service was terminated on 10.07.1995. Assailing the termination order, W.P. No.9479 of 1995 came to be filed and the writ petition was allowed on 06.08.2001. It appears that the order of the Single Judge has been confirmed in W.A.No.2001 of 2001. It is further seen that the petitioner had filed Contempt Petition in Cont.P.No.710 of 2006, to punish the respondents for their wilful disobedience of the order passed in W.A.No.2001 of 2001 dated 05.04.2006.

3.The contempt petition was disposed of with the following observation:-

“In those circumstances, while recording the action taken by the respondents, it is clarified that the



appointment of the petitioner takes effect from the date of order 06.08.2001, that is the date on which the relief was granted by the learned single Judge in allowing the writ petition. Inasmuch as she did not work from that date, she is not entitled any monitory benefits; however, the same shall be considered for the purpose of service benefits. With the above direction, the contempt petition is closed.”

4.The learned counsel for the petitioner, Mr.G.RM.Palaniappan, would argue that this Court has already clarified in the contempt petition that the petitioner is entitled for the service benefits from 06.08.2001 and it was not implemented by the respondents.

5.The learned counsel for the 1st respondent would argue that the order passed in the contempt petition, Cont.P.No.710 of 2006 was challenged by the 1st respondent before the Hon'ble Apex Court in Civil Appeal No.1441 of 2008 and the same was withdrawn by the 1st respondent on 22.11.2017. But this contempt petition was filed, after a lapse of 2 ½ years and hence, the contempt petition is barred by limitation.

6.In reply, learned counsel appearing for the petitioner would state that a proposal was sent by the 1st respondent to the 2nd respondent only in the year 2020, therefore, this petition is filed in time.



7. We are unable to agree with the submissions of the learned counsel for the petitioner. In our considered view, limitation was start from the date of withdraw of the SLP and submitting a proposal in the year 2020 would not extend the period of limitation. Since, the contempt petition is not filed in time, it is liable to be dismissed.

8. Accordingly, this Contempt Petition is dismissed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/15/12/2021

To
The Regional Joint Director of
Collegiate Education
Chennai Region
Saidapet
Chennai – 600 035.