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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

Cont.P.No.1340 of 2015

K.Venugopal,
No.131/14, Vinoba Nagar,
Ellis Nagar,
Dharapuram – 638 657,
Erode District.

.. Petitioner

VS.

1.Mr.T.T.Kamaraj, B.A.,
President,
The Dharapuram Agricultural Producer
Cooperative Marketing Society Ltd No.K-1114,
No.280, Chinna Kadai Street,
Dharapuram, Erode District-638 656.

2.Special Officer,
Chinnakkadai Street, Darapuram,
Erode – 638 656.

(Suo motu impleaded vide order dated 21.11.2017)

3.Mr.S.Kanagaraj,
then Cooperative Sub Registrar,
No.108, Kongunagar, Moolanur,
Dharapuram Taluk,
Tiruppur District – 638 106.

.. Respondents

(Suo motu impleaded vide order dated 22.07.2017)

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondent for act of wilful disobedience of the order of this Court dated 07.03.2013 made in W.P.No.25785 of 2006.



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For Petitioner : Mr.A.S.Kaizer

For Respondent : Mr.P.Srinivas for R1
Mr.M.S.Palanisamy for R2
Mr.S.Ambalavanan for R3

ORDER

The petitioner, alleging non compliance of the order passed by this Court dated 07.03.2013 in W.P.No.25785 of 2006, has filed the present contempt petition.

2. The learned counsel appearing for the petitioner would submit that pending the contempt petition, the respondent has partly complied with the order passed by this Court by reinstating the petitioner and 50% of backwages alone was settled on 15.06.2016, but as directed by this Court, the respondent has not reinstated the petitioner within the stipulated time and therefore, the petitioner is entitled to entire back wages during the period between 2013 and 2016.

3. A perusal of the affidavit filed by the contempt petitioner would disclose that in pursuant to the order passed by this Court on 07.03.2013, the petitioner has submitted a representation dated 18.06.2014 and it was duly acknowledged by the respondent and even after lapse of the time frame fixed by this Court, the respondent has not complied with the order.

4. On a perusal of the original order filed along with the contempt petition,



it is seen that the copy application filed on 07.03.2013 to obtain the order of this Court dated 07.03.2013 in W.P.No.25785 of 2006 and the copy made ready on 05.02.2014 and the order of this Court was to comply with the said order within a period of two weeks from the date of receipt of the order.

5. ***Section 20 of the Contempt of Courts Act, 1971*** reads that ***“No Court shall initiate any proceedings for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed”***. In the case on hand, though the order under contempt was passed in the year 07.03.2013, the petitioner has filed the contempt petition only on 15.06.2015 i.e., beyond the limitation period of one year as stipulated under Section 20 of the Contempt of Courts Act, 1971.

6. Therefore, on account of delay on the part of the contempt petitioner in approaching this Court, this Contempt Petition stands closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

Jvm

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/08.03.2022