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Contempt Petition No.1155 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS. JUSTICE R.HEMALATHA**

Contempt Petition No.1155 of 2021

K.Djeacandane
S/o.Krishnan,
K.J.Illam, Thirukanchi Road,
Pudhu Nagar,
Kanuvapet, Villianur Post,
Puducherry 605 110

.. Petitioner

Vs.

1.Thiru.Ashok
Director-cum-Programme Officer,
Directorate of Women and Child Development,
Government of Puducherry,
Puducherry – 605 013.

2.Thiru.Ranganathan
The Senior Accounts Officer,
Government of Puducherry,
Department of Women and Child Development,
Puducherry – 605 013.

.. Respondents

Contempt Petition filed u/s.11 of the Contempt of Courts Act, 1971,
praying to initiate contempt proceedings against the respondents for having
wilfully committed contempt of this Court's order dated 07.09.2020 in
W.P.No.10698 of 2020 and punish the respondents as per the provisions of
the Contempt of Courts Act, 1971.



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Contempt Petition No.1155 of 2021

For Petitioner : Mr.M.Gnanasekar
For Respondents : Mr.R.Syed Mustaffa
Special Government Pleader (P)

ORDER

[Order of the Court was made by **P.N.PRAKASH, J**]

This petition has been filed seeking to punish the respondents herein for having committed wilful disobedience of the order of this Court dated 07.09.2020 passed in W.P.No.10698 of 2020.

2. In W.P.No.10698 of 2020, a Division Bench of this Court has passed a final order *vide* order dated 07.09.2020, the operative portion of which, is as under:

'4. As rightly submitted by the learned Government Pleader (Puducherry) an order of transfer is incidental to service. There is no malice in fact or law. The petitioner has been transferred on administrative ground. We do not find any punitive action resulting in the order of transfer. Even assuming that there are complaints against the petitioner, an administrative transfer order can be passed in order to facilitate the smooth functioning of the administration. The impugned order has been passed by the transferring authority, which is competent to do so. It is not, as if, in all cases transfer can be effected from Puducherry to Mahe only on promotion. Thus, looking from any perspective, we do not find any reason to interfere with the order of transfer and also the order passed by the Tribunal. However, considering the facts of the case, the petitioner is given four weeks time to rejoin from the date of removing the lock down as indicated by the Tribunal in respect of transport.'

3. Alleging that the above order has been violated, the present contempt petition has been filed.



4. Heard Mr.M.Gnanasekar, learned counsel appearing for the petitioner and Mr.R.Syed Mustaffa, learned Special Government Pleader (P), appearing for the respondents.

5. A reading of paragraph No.4 of the order dated 07.09.2020 shows that no positive direction has been issued to the respondents for compliance. In fact, a positive direction has been issued to the petitioner to re-join duty within a period of four weeks from the date of removal of lock down. Thus, we find no merit in the contempt petition.

Accordingly, this Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

gm

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/10/01/2022

To

1.The Director-cum-Programme Officer,
Directorate of Women and Child Development,
Government of Puducherry,
Puducherry – 605 013.



2. The Senior Accounts Officer,
Government of Puducherry,
Department of Women and Child Development,
Puducherry – 605 013.

3. The Special Government Pleader,
Puducherry.