



WEB COPY

Contempt Petition No.801 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2021

CORAM:

**THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR**

CONTEMPT PETITION No.801 of 2020

M.Elango,
S1067, Jamin Elampalli PACS,
131-11, R.R.Complex,
Kollappatti, Anemoor Post,
Thiruchengode-637 214,
Namakkal District

... Petitioner

VS.

1. Dr.L.Subramanian,
Registrar,
The Co-operative Society,
N.V.Natarajan Maligai,
Periyar EVK High Road,
Kilpauk, Chennai – 600 010.
2. S.Venkatachalam,
Deputy Registrar,
The Co-operative Society,
Office of the Assistant Registrar,
Sudhakaran Complex, C.H.B. Colony,
Vellore Road, Tiruchengodu,
Namakkal District – 637 211.
3. C.Saravanan,
President,
S.1067, Jamin Elampalli PACS,
Jamin Elampalli Post, Solasiramani (Via),
Paramathi Velur (Tk),
Namakkal District – 637 210.

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



4. C.Saravanan,
Administrator,
S.1067, Jamin Elampalli PACS,
Jamin Elampalli Post, Solasiramani (Via),
Paramathi Velur (Tk),
Namakkal District – 637 210.

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, seeking to punish the Respondents for wilful disobedience of the judgment dated 10.02.2020 passed by this Court in W.A.No.1352 of 2019.

For Petitioner	:	Mr.G.Murugendran
For Respondents 1 & 2	:	Mr.K.Tippu Sulthan, Government Advocate
For 3 rd Respondent	:	Mr.L.P.Shanmugasundaram

ORDER

(Order of the Court made by S.VAIDYANATHAN,J.)

This Contempt Petition is filed seeking to punish the Respondents for wilful disobedience of the judgment dated 10.02.2020 passed by this Court in W.A.No.1352 of 2019.

2. It is seen that, the Contempt Petitioner was placed under suspension on 30.07.2016 and a Charge Memo was issued to him. To enquire into the charges framed against the Contempt Petitioner, an Enquiry Officer was appointed on 19.01.2018 and the Report under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, was furnished to him on 02.04.2018. An ex-parte decision was taken on 27.06.2018 and the employee was dismissed from service on 21.08.2019.



3. Learned counsel for the Contempt Petitioner contended that, till the date of receipt of the Enquiry Report under Section 81 of the Act, the employee has no role and, delay cannot be attributed on his part, as he was in Prison.

4. Admittedly, Subsistence Allowance has already been paid to the employee in its entirety, i.e. 50% up to 90 days; 75% upto 180 days and 100% beyond 181 days till 02.04.2018.

5. Beyond 02.04.2018, as the employee has been paid only 50% as Subsistence Allowance, whether the delay in protracting the enquiry is attributable on the part of the employee or the employer is a disputed question of fact, which cannot be gone into the present Contempt Petition and it is for the Contempt Petitioner to work out his remedy in the appropriate forum, in accordance with law. Hence, we are of the view that, no further orders are required in this case.

In fine, the Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

vm/aeb

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/20/01/2022

To

1. The Registrar,
The Co-operative Society,
N.V.Natarajan Maligai,
Periyar EVK High Road,
Kilpauk, Chennai – 600 010.
2. The Deputy Registrar,
The Co-operative Society,
Office of the Assistant Registrar,
Sudhakaran Complex, C.H.B. Colony,
Vellore Road, Tiruchengodu,
Namakkal District – 637 211.