



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Cont P.(MD).No.121 of 2021

B.Noor Mohamed

... Petitioner

Vs.

1.Mr.Nasemudeen, I.A.S,
The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Labour and Employment,
Secretariat,
Chennai.

2.Mr.K.Veera Rahava Rao,
The Commissioner of Employment and Training,
O/o. The Commissioner of Employment and Training,
Guindy, Chennai - 600 032. .. Contemnors / Respondents

PRAYER: Contempt petition filed under Section 11 of Contempt of Court Act 1971, to punish the respondents herein for their deliberate and wilful disobedience of the order of this Court dated 27.07.2020 in W.P.(MD).No.8081 of 2020.

Prayer in WP(MD). 8081/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a writ of Mandamus or any other appropriate writ or order or direction in the nature of Writ directing the respondents to sanction and disburse all retirement and monetary benefits of the petitioner along with the accrued interest thereon in pursuant to the order passed by the 2nd respondent vide his proceedings Proc.No.1648/Estt1/2019 dated 28.2.2019 allowing the petitioner to retire from service within the period that may be stipulated by this Honourable Court

For Petitioner	: Mr.M.Mohammed Imran for M/s.Ajaml Associated
For Respondent	: Mr.M.Sricharan Rangarajan Additional Advocate General

O R D E R

As per the order dated 27.07.2020, passed in the W.P.(MD). No.8081 of 2020, there was a direction to the second respondent to consider the petitioner's representation and pass orders on merits and in accordance with law, with regard to the sanction of the pension and other benefits payable to the petitioner, for which, he is entitled to and he has been waiting from 28.02.2019, on which date, he had attained superannuation and relieved from the duty.

2.Pursuant to the order of this Court, the Director of

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



Department of Employment and Training, had passed orders, on 25.09.2020, by considering the petitioner's representation and extending him with the provisional pension. It is also referred to, in the said order, about certain suppression of facts made by the petitioner in the following manner.

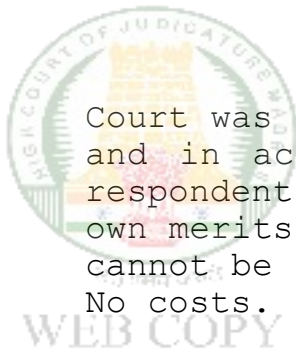
"In the meanwhile, the Government was informed of the above charges vide this Office Letter No.Estt1/1648/2019, dated 26.02.2019 and the Government has issued the following orders on 28.02.2019.

1. Thiru B.Noormohammed, Principal, Government Industrial Training Institute, V.K.Pudur, was placed under suspension vide G.O.(D).No.105, Labour and Employment (P1) Department, dated 28.02.2019.
2. And also Thiru B.Noormohammed, Principal, Government Industrial Training Institute, V.K.Pudur, was not permitted to retire from service on attaining the age of superannuation (i.e.,) 28.02.2019 afternoon but shall be retained in service until final orders are passed by the competent authority and also during such extension of service, the service right of the said Thiru B.Noormohammed, Principal, Government Industrial Training Institute, Veerakeralampudur, shall freeze at the level reached on the date on superannuation viz., 28.02.2019 A.N and the salary during that period shall not exceed the amount of pension which would have accrued to him on the date.
3. The Commissioner of Employment and Training Proceeding No.1648/Estt1 2019, dated 28.02.2019, issuing full additional charge arrangement order to relieve Thiru B.Noormohammed, Principal (under suspension and not permitted to retire)

Further You have received all the above orders on 28.02.2019 itself. (Proof of receipt enclosed.)"

3. On perusal of the affidavit filed by the petitioner, in support of the writ petition in W.P.(MD).No.8081 of 2020, it is seen that the aforesaid order of placing the petitioner under suspension and not permitted to be retired has not been disclosed, though it is claimed in the present letter, dated 25.09.2020 that the orders were despatched and the proof of receipt was also obtained. A copy of the proof of receipt is also produced before this Court, today.

4. The observations of this Court that the petitioner has retired on 28.02.2019 and has been relieved from duty, has apparently been made, in view of such suppression of facts by the petitioner in the writ petition. However, since the order of this



Court was only to consider the petitioner's representation on merits and in accordance with law, this Court is of the view that the respondents have properly considered the petitioner's case on its own merits. Accordingly, the disobedience alleged by the petitioner cannot be termed as wilful. Hence, the contempt petition is closed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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

- 1.Mr.Nasemudeen, I.A.S,
The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Labour and Employment,
Secretariat,
Chennai.
- 2.Mr.K.Veera Rahava Rao,
The Commissioner of Employment and Training,
O/o. The Commissioner of Employment and Training,
Guindy, Chennai - 600 032.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-2992[F] dated 03/02/2021)

+1 CC to M/s.SPL GP (SR-3357[F] dated 04/02/2021)

Cont P.(MD).No.121 of 2021
02.02.2021

PM(CO)
KB(18.02.2021) 3P 5C