



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.03.2021

CORAM

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

Cont.P(MD) .No.351 of 2021

in

W.P(MD)No.11390 of 2006

WEB COPY

G.Sidhardhan

... Petitioner/Petitioner

Vs.

1.Apoorva,
Secretary to the Department of Higher Education,
State of Tamilnadu,
Fort St.George, Chennai- 600 009.

2.Vivekanandan,
The Director of Collegiate Educaiton,
College Road, Chennai -600 006.

3.D.Jaisankar,
The Accountant General,
Office of the Accountant General,
Chennai, Tamilnadu.

4.L.Karunamoorthy,
The Registrar,
The Anna University,
Chennai-600 025.

.. Contemnors/Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act praying this Court to punish the Contemnors/Respondents for their wilful disobedience of the order of this Court made in W.P(MD)No.11390 of 2006, dated 12.11.2014.

Prayer in WP(MD). 11390/ 2006 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS or any other Writ, Order or Direction in the nature of a Writ, directing the 4th respondent Anna University to reckon forthwith the petitioners service extending to 26 years 10 months and 24 days in various capacities in the Anna University and the affiliated and aided colleges in the State of Tamilnadu and to compute the petitioners terminal benefits like pension, gratuity, etc, on the basis of the said service and remit the same to the 7th respondent Kerala University so as to enable the petitioner to



receive the over all terminal benefits which he is legally entitled to from the Kerala University.

For Petitioner : Mr.T.Cibi Chakraborty

For Respondents 1&2 : Mr.M.Muthugeethayan
Special Government Pleader

For Respondent 4 : Mr.M.Rajarajan

O R D E R

The present Contempt Petition is filed to punish the Contemnor/respondent for his willful disobedience of the order of this Court made in W.P(MD)No.11390 of 2006, dated 12.11.2014.

2. This contempt petition has been filed on 20.01.2021, after a lapse of about six years from the date of order passed by this Court and, therefore, on a query raised by the Registry as to its maintainability in view of the limitation prescribed u/s 20 of the Contempt of Courts Act, learned counsel submitted that there is no delay as explained in paragraph-10 of the affidavit. Though such a stand has been taken by the learned counsel for the petitioner, however, this Court is not venturing into the issue as to the maintainability raised by the Registry relating to limitation in the present petition at this point of time and, therefore, Registry was directed to number the petition and the petition is disposed of by this order.

3. It is the grievance of the petitioner that though this Court, vide its order dated 12.11.2014, directed the petitioner to give a fresh representation to the 4th respondent within a particular time frame and directed the 4th respondent to consider the same for reckoning the petitioner's service for the benefit of extending the pensionary and other benefits to the petitioner within a particular time frame thereafter, however, even after a lapse of about six years, inspite of the diligent follow up made by the petitioner, the said order has not been complied with by the respondents, but the matter is only being dragged further by asking the petitioner to forward the representation through the Secretary of the College. It is the case of the petitioner that the communication dated 1.10.19 is nothing but dilatory tactics adopted by the respondents not to grant the benefit conferred by the aforesaid order and the said act of the respondents is contemptuous and deserves to be dealt with under the contempt jurisdiction so that the essence of the order is enforced.

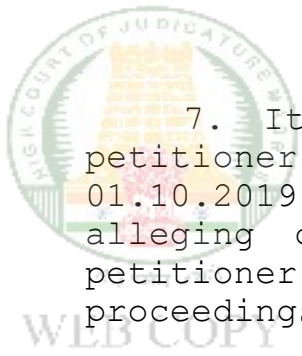
4. This Court heard the learned counsel appearing for the petitioner who reiterated the submissions as made in the



affidavit filed in support of the petition and further submitted that the 4th respondent is dragging the issue and making the petitioner to run from pillar to post without enabling the petitioner to enjoy the fruits of the order passed by this Court. It is the further submission of the learned counsel for the petitioner that the direction as per the Court's order is only for submission of fresh representation to the 4th respondent and the 4th respondent was directed to consider the same and pass orders reckoning the service of the petitioner for pensionary benefits. In spite of the submission of fresh representation by the petitioner as directed by this Court, asking the petitioner to route the representation to through the College Secretary is nothing but an attempt on the part of the 4th respondent to deny the benefit to the petitioner by dragging on the issue. This is a clear and wilful disobedience of the order and is a gross violation of the high-handedness on the part of the 4th respondent, which requires to be punished.

5. This Court heard the learned counsel appearing for the petitioner and also perused the materials available on record.

6. A perusal of the order passed by this Court, no doubt, reveals that this Court had directed the petitioner to submit a fresh representation to the 4th respondent within a particular time frame and directed the 4th respondent to consider the same for reckoning the petitioner's service for the benefit of extending the pensionary and other benefits to the petitioner within a particular time frame thereafter. However, vide communication dated 01.10.2019, the Joint Director of Collegiate Education has intimated the petitioner that he has submitted the forms relating to pensionary benefits directly to the office of the Director of Collegiate Education, which should have been forwarded by the College Secretary and, therefore, request was made to the petitioner to submit the forms through the College Secretary. From the above, it is evident that the forms relating to extending of pensionary benefits were only directed to be submitted through the Secretary of the College and not the representation. This act cannot in any way be said to be a dilatory tactic adopted by the 4th respondent for dragging on the issue. Further, this Court had only directed submission of the representation to the 4th respondent and the said order, no where, speaks about the forms to be submitted directly to the 4th respondent. That being the case, the allegation made by the petitioner as to the contempt committed by the 4th respondent is wholly misconceived. Further, it is to be pointed out that this Court cannot preclude the respondents to follow the procedure prescribed for receipt of the documents and, therefore, the plea of alleged contempt on the part of the respondent does not merit acceptance.



7. It is to be pointed out further that if at all the petitioner has any grievance against the communication dated 01.10.2019, the same cannot be put in issue before this Court alleging contempt and the same has to be dealt with by the petitioner in accordance with law by initiating appropriate proceedings.

8. For the reasons aforesaid, this Court is of the considered view that no case has been made out by the petitioner for initiating contempt and, accordingly, this petition fails and the same is dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

PJL

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.The Secretary to the Department of Higher Education,
State of Tamilnadu,
Fort St.George,
Chennai- 600 009.

2.The Director of Collegiate Education,
College Road,
Chennai -600 006.

3.The Accountant General,
Office of the Accountant General,
Chennai.



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+1 CC to Mr.T.CIBI CHAKRABORTHY, Advocate (SR-8967[F] dated 05/03/2021)

+1 CC to Mr.M.RAJARAJAN, Advocate (SR-9410[F] dated 08/03/2021)

+1 CC to SPL GP (SR-9479[F] dated 08/03/2021)

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