



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2021

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

CONT.P.(MD)No.992 of 2021
in
W.P.(MD)No.7741 of 2020

M.Muniyandi

...Petitioner/ Petitioner

Vs.

M.Murugan,
The President,
Athankaraipatti Panchayat,
Sedapatti Panchayat Union, (Elumalai Post),
Peraiyur Taluk,
Madurai.

...Contemnor/4th Respondent

Prayer: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish upon the contemnor/4th respondent for willful disobedience of the interim order passed by this Court in W.P.(MD)No.7741 of 2020, dated 21.07.2020, and punish him according to law.

Prayer in WP(MD) . 7741/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ or order or direction or any other writ in the nature of a Writ of Mandamus directing the respondents to regularize the petitioner service as overhead tank operator for Athankaripatti Panchayat union from 01.12.2014 and pay the arrears of salary due to the petitioner along with service benefits thereon and pass such further

For Petitioner : Mr.B.Prasanna Vinoth
For Respondent : Mr.M.Rajarajan

ORDER

This Contempt Petition has been filed for the alleged disobedience of the interim order passed by this Court in W.P.(MD) No.7741 of 2020, dated 21.07.2020, wherein this Court passed an interim order that the petitioner, who is working as overhead tank operator under the fourth respondent Panchayat shall not be disturbed.

2. According to the petitioner, the said interim order has not
<https://hcservices.ecourts.gov.in/hcservices/>



been complied with and the petitioner had been disturbed or he had been removed or he had not been permitted to sign in the attendance register, despite the interim order was passed by this Court.

3.However, denying the said allegation, the learned Government Advocate appearing for the respondent would submit that, the present respondent ie,. the President of the Village Panchayat comes to the office only in the year 2020, however, even in the year 2018, the petitioner was relieved from the post of the overhead tank operator, therefore, the question of disturbing his service in the year 2020 does not arise.

4.Moreover, the learned Government Advocate would also point out that, there has been an industrial dispute filed by the petitioner before the Labour Court. Pursuant to the order passed therein, the salary payable to the petitioner during the year 2017 and 2018 had also been paid.

5.The learned counsel appearing for the petitioner submits that from the year 2018 onwards, the petitioner had not been permitted to sign in the attendance register, then at the time of passing the interim order sometime in July 2020, definitely the petitioner would not have been continuously working in the fourth respondent Panchayat and whether in that case, the petitioner was prevented from working in the Panchayat from the year 2018 onwards, altogether is the different issue, which can be gone into only in the main writ petition, which is still pending. Therefore, since the interim order passed by this Court dated 21.07.2020, based on the representation made by the petitioner that he was still working in the fourth respondent Panchayat, being an unworkable order, as well before the order was passed in the year 2020, in the year 2018 itself, the petitioner was relieved from the duties, the question of non-compliance of the interim order dated 21.07.2020, does not arise. Hence, this Court feels that this Contempt Petition cannot be proceeded, accordingly, this Contempt Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

M.Murugan,
The President,
Athankaraipatti Panchayat,
Sedapatti Panchayat Union, (Elumalai Post),
Peraiyur Taluk,
Madurai.

+1 CC to M/s.B.PRASANNA VINOTH, Advocate (SR-33273[F] dated
29/10/2021)

+1 CC to M/s.SPL.GP (SR-33347[F] dated 01/11/2021)

CONT.P.(MD)No.992 of 2021
29.10.2021

DJ(CO)
KB(17.11.2021) 3P 4C