



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CONT.P(MD)No.1374 of 2021

P.Sundaresan

...Petitioner/Petitioner

vs.

1.Kumaraguruparan, I.A.S.,
Commissioner,
Hindu Religious and Charitable Endowments
(Administration) Department,
Nungambakkam High Road,
Chennai - 600 034.

2.Selvaraj,
Joint Commissioner cum Executive Officer
(Full Additional Charge),
Incorporated and Unincorporated Devaswoms,
Suchindrum,
Kanyakumari District - 629 704.

... Contemnors/Respondents

PRAYER: Petition filed under under Section 11 of the Contempt of Court Act, 1971, to punish the respondents for wilfully disobeying and not complying with the order of this Court, dated 30.03.2021 in W.P.(MD)No.8396 of 2016.

Prayer in WP(MD) . 8396/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of mandamus, directing the respondents 1 and 2 herein to refix the scale of pay of the petitioner as Rs. 2610-60-3150-65-3540 on par with the refixed scale of pay of the post of Sirappu Kavalakar with the effect from 01.07.1997 along with monetary benefit and disburse the arrears of revised scale of pay with effect fro 01.07.1997.

For Petitioner	:Mr.S.Bharathy Kannan
For R-1	:Mr.M.Linga Durai
	Government Advocate
For R-2	:Mr.K.Sathiyasingh

O R D E R

This Contempt Petition is filed alleging wilful disobedience of the order passed by this Court in the Writ Petition filed by the petitioner in W.P.(MD)No. 8396 of 2016. This Court by order, dated 30.03.2021, passed the following order:

*"5.In view of the submissions made on either side,
this Court direct the respondents to consider the*

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



petitioner's representation dated 12.02.2016 and extend the benefit of G.O.Ms.No.257, (Department of Tamil Development - Culture and Religious Endowments), dated 10.06.1998, and pass appropriate orders on merits and in accordance with law, if the said G.O. is applicable to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order."

2.Stating that the direction of this Court to consider the petitioner's representation has not been complied with fully, the above Contempt Petition is filed.

3.The learned Counsel appearing for the second respondent submitted that they have passed appropriate orders on the representation of the petitioner and that therefore, the Contempt Petition should be closed after recording compliance.

4.Though the learned Counsel appearing for the petitioner tried to convince this Court that specific direction of this Court is not strictly complied with, this Court is unable to accept the said contention for the reason that this Court, while disposing of the Writ Petition, has also indicated that the respondents can pass appropriate orders on merits, if the Government Order vide G.O.Ms.No.257, dated 10.06.1998, is applicable to the petitioner.

5.Having regard to the nature of order passed by the second respondent, this Court is of the view that the order of the second respondent, dated 26.07.2021, is certainly in compliance of the direction of this Court. Hence, recording the compliance, this Contempt Petition is closed. The learned Counsel appearing for the petitioner, however, requested this Court to reserve the right to the petitioner to challenge the order now passed by the second respondent. Since this Court is not deciding any issue on merits, it is always open to the petitioner to challenge the order, dated 26.07.2021, passed by the second respondent, on any ground available in law.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

tmg/cmr



To

1.The Commissioner,
Hindu Religious and Charitable Endowments
(Administration) Department,
Nungambakkam High Road,
Chennai - 600 034.

2.Joint Commissioner cum Executive Officer
(Full Additional Charge),
Incorporated and Unincorporated Devaswoms,
Suchindrum,
Kanyakumari District - 629 704.

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-32472[F] dated
25/10/2021)

+1 CC to M/s.S. BHARATHYKANNAN, Advocate (SR-32738[F] dated
26/10/2021)

CONT.P (MD)No.1374 of 2021
22.10.2021

PS (CO)
KB(08.11.2021) 3P 5C