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CONT.P.No.2910 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CONT.P.No.2910 of 2016

in

W.M.P.No.32862 of 2016

in

W.P.No.38347 of 2016

V.Gopal

... Petitioner

Vs.

1.Thiru.Md.Nazimuddin, I.A.S.,
Principal Secretary
Government of Tamil Nadu
Welfare of Differently-abled Persons Department,
Fort St. George, Chennai – 600 009.

2.Thiru S.Murugaiah, I.A.S.,
State Commissioner,
Commissionerate for the Differently-abled Persons,
K.K.Nagar, Chennai – 600 078.

... Respondents

Prayer: Contempt Petition under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for the wilful disobedience of the order of status quo dated 07.11.2016 made in W.M.P.No.32862 of 2016 in W.P.No.38347 of 2016.

For Petitioner

: Ms.Shanmugapriya
For Mr.R.Prabhakaran



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For Respondents

: Mr.P.Kumaresan
Additional Advocate General-VII
Assisted by Mrs.S.Anitha
Special Government Pleader

ORDER

The learned Additional Advocate General-VII appearing on behalf of the respondents brought to the notice of this Court that the respondents have not violated the interim order passed by this Court, warranting further action in the Contempt Petition.

2. It is contended that the interim order of status quo was passed by this Court on 07.11.2016 in W.M.P.No.32862 of 2016 in W.P.No.38347 of 2016. Even before the interim order of status quo dated 07.11.2016, the writ petitioner was transferred to Thanjavur in proceedings dated 26.10.2016 by the Commissioner for Differently-abled Persons.

3. The copy of the order furnished reveals that the proceedings of transfer was issued on 26.10.2016 itself and the petitioner challenged the said order of transfer and the status quo was granted on 07.11.2016. Pertinently, the other incumbent Smt.Vijaya Kumari, who was transferred in



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the place of writ petitioner at Poonamallee, Chennai joined in the said post on 28.11.2016 itself. The copy of the joining report dated 28.10.2016 filed by the other Headmistress Smt.Vijaya Kumari is also furnished before this Court. However, the petitioner had submitted a leave letter subsequently on 03.11.2011.

4. Thus, the fact remains that as on the date of interim order of status quo, the petitioner was not holding the post of Head Master at Poonamallee, Chennai and furthermore, the other incumbent Smt.Vijaya Kumari joined in the said post at Poonamallee, Chennai.

5. In view of the above facts and circumstances, the respondents have not disobeyed the interim orders of this Court wilfully and thus, no further adjudication is required and accordingly, the Contempt Petition stands closed. No costs.

12.10.2022
(1/2)

Jeni
Index : Yes
Speaking order



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To
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- 1.The Principal Secretary
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S.M.SUBRAMANIAM, J.

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