



WEB COPY

Cont.P.No..763/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Cont.P.No.763/2022

P.Shanmugapandian,
No.11-1-49G, Achampatti,
Kannivadi, Dindigul 624 705

.. Petitioner

Vs.

Thiru R.Kannan, M.Tech
Member Secretary [i/c]
Tamil Nadu Pollution Control Board
No.76, Mount Road
Guindy, Chennai-32.

.. Respondent

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent under the Contempt of Courts Act, for the willful disobedience of the order of this Court dated 07.07.2021 in WP.No.13951/2021.

For Petitioner : Mr.A.Parameswaran

ORDER

- (1) This contempt petition is filed by the petitioner alleging willful disobedience of the order dated 07.07.2021 made in WP.No.13951/2021 by the respondent herein.
- (2) The petitioner herein filed WP.No.13591/2021 for issuance of a writ of mandamus directing the 1st respondent in the writ petition to



consider the petitioner's representation dated 17.02.2021.

(3) In the representation, the petitioner requested either transfer from the office of the 3rd respondent to the office of the 4th respondent or to permit him to go on voluntary retirement from service.

(4) This Court, vide order dated 07.07.2021, disposed of the writ petition with the following direction:-

"Considering the limited scope of prayer sought for by the petitioner and without going into the merits of the claim made by him in his representation, this Court directs the 1st respondent to consider and dispose of the petitioner's representation dated 17.02.2021 on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein."

(5) Pursuant to the order passed by this Court, it is not in dispute that the petitioner, at the request of the respondents, appeared before the Medical Board. After the Medical Board examined the petitioner, a request was made by the Medical Board to the 3rd respondent to send the petitioner to a Neurologist to get a Report and to submit the same to the Medical Board so that the Medical Board would be in a position to give final opinion. Even in the typed set of documents filed by the petitioner, the communication of the Medical Board addressed to the



3rd respondent in the writ petition is enclosed.

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- (6) Thereafter, the petitioner has approached this Court by filing the present contempt petition alleging willful disobedience of the direction of this Court stating that the respondent herein is adopting dilatory tactics by giving evasive answers. Though the petitioner submitted himself to the Medical Board for examination, a further examination is required to be done by the Neurologist and only thereafter, the Medical Board may be able to give their final opinion on the basis of which alone the 1st respondent in the writ petition / respondent herein would be able to take a decision on the representation of the petitioner.
- (7) The petitioner unmindful of the reason, has approached this Court by filing this contempt petition without offering any explanation as to why the petitioner cannot get a certificate/report from the Neurologist which is required by the Medical Board for further action.
- (8) This Court finds no cause for pursuing this contempt petition as the petitioner is at fault in getting a decision on merits on the basis of his representation.



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(9) Hence, this contempt petition is closed. However, liberty is given to pursue his remedy as suggested.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

ap

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

BD/06/06/2022

To

The Member Secretary [i/c]
Tamil Nadu Pollution Control Board
No.76, Mount Road
Guindy, Chennai-32.