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Contempt Petition No. 510 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

Contempt Petition No. 510 of 2022

P.Kanagaraj,
No.5/79, Senniveerampalayam,
Chikkampalayam Post,
Karamadai(via),
Coimbatore 641 104

... Petitioner

-VS-

1. Dr. G.S.Sameeran, I.A.S.
The District Collector
Coimbatore District
Coimbatore.
2. Mr. G.K.Gopal
The Block Development Officer
Karamadai Panchayat Union
Karamadai
Coimbatore District.

... Respondents

Prayer:- Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the Respondents herein for willful disobedience of the order passed by this Court dated 09.09.2021 made in W.P. No. 29208 of 2018.

For Petitioner : Mr. R.Jayaprakash
For Respondents : Mrs. C.Sangamithirai
Special Government Pleader

O R D E R

Heard Mr. R.Jayaprakash, Learned Counsel for the Petitioner and Mrs.

C.Sangamithirai, Learned Special Government Pleader appearing for the



Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner is prosecuting this Contempt Petition for violation of the order dated 09.09.2021 in W.P. No. 29208 of 2018 in which it has been held as follows:-

“13. Considering the fact that the entire proceedings is vitiated on account of failure on the part of the Respondents to issue appropriate notice before passing the impugned order, this Court is of the view that the impugned order passed by the second respondent is liable to be quashed with liberty to the respondents to issue appropriate Notice and Charge Memo to the Petitioner within a period of eight weeks from the date of receipt of a copy of this order. During the period, the Petitioner shall be treated as having been placed under suspension from the date of the impugned order dated 01.10.2018.

14. The Respondents shall endeavour to complete the disciplinary proceedings in respect of which purported action was taken in the impugned order and in the pending proceedings that were initiated in 2017 and 2018 within a period of twelve months from the date of receipt of a copy of this order. Since the



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allegations against the Petitioner are serious in nature, the Petitioner shall continued to be under suspension and the fact that the Petitioner as an employee of the Second Respondent, thereafter shall be subject to the final outcome of the disciplinary proceedings.

15. The Respondents are directed to pay subsistence allowances to the Petitioner in terms of Rule 17 of the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules 2013. The Respondents shall release the arrears of the subsistence allowances for the period starting from 2018 within a period of three months from the date receipt of a copy of this order. Going Forward, the Respondents shall start to pay the subsistence allowances month-on-month basis till the date of completion of the disciplinary proceedings.

16. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.”

According to the Petitioner, a meagre amount of Rs. 1,55,160/- alone has been paid for the period from October 2018 to October 2021 towards subsistence allowance and the remaining sum of Rs. 5,80,846/- remains due for the said



period.

3. The Second Respondent has filed Counter-Affidavit on 26.04.2022 along with the documents explaining that the said sum of Rs. 1,55,160/- is the eligible amount that the Petitioner is entitled to receive and a working-sheet has also been produced before the Court showing that the total amount of Rs. 2,29,628/- has been paid from October 2018 to March 2022 towards subsistence allowance.

4. In such circumstances, it cannot be said that there has been any wilful disobedience of the order dated 09.09.2021 in W.P. No. 29208 of 2018 so as to punish the Respondent for committing any act of contempt. At the same time, if there is any dispute relating to the exact amount of subsistence allowance, the Petitioner is not precluded from working out his rights before the proper forum in the manner recognized by law.

In fine, the Contempt Petition is closed with the aforesaid observations. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

maya

//Certified to be true copy//

Dated at Madras this day of 2022.

COURT OFFICER(O.S.)

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To

1. The District Collector
Coimbatore District
Coimbatore.
2. The Block Development Officer
Karamadai Panchayat Union
Karamadai
Coimbatore District.