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Cont.P.No.1156 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19..10..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

Contempt Petition No.1156 of 2022

K.Rajendran

..... Petitioner

-Versus-

Thiru.Jeevarathinam,
General Manager,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Dharmapuri Zone,
Dharmapuri-5.

.... Respondents

Petition filed under Section 11 of The Contempt of Courts Act, 1971,
seeking to punish the respondent for his wilful disobedience of the order of
this Court dated 25.10.2017 made in W.A.No.1004 of 2015.

For Petitioner : *Mr.G.Elanchezhiyan*

For Respondent : *Mr.K.Raja,*



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For Petitioner : Mr.G.Elanchezhiyan

Standing Counsel for TNSTC

ORDER

Alleging that the respondent has not complied with the directions issued by this court on 25.10.2017 in W.A.No.1004 of 2015, the present contempt petition has been filed.

2. Heard Mr.G.Elanchezhiyan, learned counsel for the petitioner and Mr.K.Raja, learned Standing Counsel for the respondent transport corporation.

3. In W.A.No.1004 of 2015, this court issued the following directions on 25.10.2017:-

“10.Accordingly, the petitioner is directed to approach the respondents with the original transfer certificate and on such approach, the respondents shall verify the same with the school authority. If it is genuine, the respondents shall reinstate the petitioner in service with all benefits, however, without backwages for the period, during which, he was not working i.e., from the date of dismissal till the date of reinstatement, on the principle of 'no work no pay'. The entire exercise shall be completed within a period of



three months from the date of receipt of a copy of this order. It is made clear that if the transfer certificate is found to be not genuine, it is open to the respondents to proceed further in accordance with law. 11. The Writ Appeal is disposed of as indicated above. No Costs. Consequently, connected Miscellaneous Petition is closed.”

4. The learned counsel for the petitioner contended that the respondent has not complied with the aforesaid directions.

5. On the contrary, learned standing counsel for the respondent contended that though several notices were sent to the petitioner to appear before them along with the original certificates, the petitioner had not chosen to appear and, therefore, they were not in a position to comply with the aforesaid directions of this court.

6. Per contra, learned counsel for the petitioner contended that the original certificates are with the respondent and, therefore, there is no necessity for the petitioner to appear before them.

7. This court gave its anxious consideration to the rival submissions.

8. The fact remains that the petitioner had not gone to the office of the



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respondent as directed by this court above for submission of his School Transfer Certificate. We, therefore, do not find any supine indifference on the part of the respondent in complying with the aforesaid directions of this court. Thus, we find no good cause to issue statutory notice in this contempt petition.

In fine, this Contempt Petition is closed.

(P.N.P., J.) (TKR., J.)
19..10..2022

Index: yes/no
Speaking/Non Speaking Order
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AND
RMT.TEEKAA RAMAN.J.,

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