



Sub Application (OS) No.282 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HONOURABLE Mr.JUSTICE S.S.SUNDAR

Sub Application (OS) No.282 of 2022
in Cont.P.No.1438 of 2021

A.Marimuthu

... Applicant /
Writ Petitioner

Vs

1.Mr.Vinay Kumar Tripathi
Chairman
Railway Board
Railway Bhavan, Raisana Road
New Delhi.

2.Mr.Prakash Chandra Tamta
Principal Chief Materials Manager
General Stores Depot
Southern Railway
Perambur, Chennai - 23.

... Respondents /
Respondents

Prayer : Petition filed under Section 151 of CPC, praying to reopen the Contempt Petition No.1438 of 2021 in W.P.No.15182 of 2021 dated 01/03/2022.



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For Petitioner : Mr.K.Venkataramani
Senior Counsel
assisted by Mr.M.Muthappan

For Respondents : Ms.J.P.Dhanyasree
for Mr.M.Vijay Anand
Additional Railway Standing Counsel

ORDER

The applicant/writ petitioner has earlier filed a writ petition in W.P.No.15182 of 2021. The said writ petition was disposed of by an order dated 23.07.2021 with the following directions :

'4. Though the petitioner has prayed for a larger relief, this Court in the light of the facts and circumstances of the case and without going into the merits of the claim made by the petitioner, directs the 1st respondent to consider and dispose of the the petitioner's representations dated 04.02.2021 and 19.04.2021 respectively, on merits and in accordance with law and in the light of the order passed by the 2nd respondent in Case No.12086/1021/2020 dated 06.01.2021 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein.'



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2. Thereafter, the petitioner was before this Court to initiate action for contempt against the respondent in Cont.P.No.1438 of 2021, alleging wilful disobedience of the respondent in not complying with the orders passed by this Court in W.P.No.15182 of 2021. It is pertinent to mention that the earlier direction was to the Chairman, Railway Board, (1st respondent in W.P.No.15182 of 2021). Since the Railway Board is not the authority concerned, the respondents in the writ petition filed a petition in WMP.No.23640 of 2021 for clarification. This Court vide order dated 01.03.2022, had clarified the earlier order passed in the writ petition, and directed the writ petitioner to submit a fresh representation to the Principal Chief Materials Manager, General Stores Depot, Southern Railway, Perambur, Chennai-23, within a period of two weeks from the date of the order. Subsequently, vide separate order dated 01.03.2022, this Court also closed the contempt petition holding that no cause subsists in the contempt petition, in pursuance to the order passed by this Court in modifying the earlier order.

3. The petitioner has now filed the present Sub Application to reopen



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the said contempt petition on the ground that the order of this Court was not complied with by the respondent. It is the contention of the petitioner that pursuant to the order of this Court dated 01.03.2022, he has submitted a fresh representation on 11.03.2022 to the second respondent herein and vide proceedings dated 22.04.2022, his representation came to be rejected, citing the reason that the Railway Administration has filed a writ petition challenging the order of the Chief Commissioner for Persons with Disabilities in Complaint No.12086/1021/2020 dated 06.01.2021 and the same is pending before this Court.

4. This Court is unable to entertain the present application as the respondent have passed orders based on the fresh representation submitted by the writ petitioner/applicant. Since the petitioner's claim was not favourably considered by the respondent, it cannot be a ground to hold that the orders passed in contempt petition was not complied with. It is also to be reiterated that in the proceedings of the second respondent dated 22.04.2022, it is stated that it is not feasible for them to dispose off the petitioner's representation, however appropriate orders will be passed subject to the outcome of the writ petition. If the writ petitioner/applicant has got a



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grievance in the manner in which the order was passed by the respondent, he has to challenge the same before appropriate forum in accordance with law.

5. In view of the above, this Court is unable to find any wilful disobedience on the part of the respondents by passing an order dated 22.04.2022, in and by which the petitioner was intimated that his representation dated 11.03.2022 cannot be disposed off in the light of pendency of the writ petition. The issue to be considered in the writ petition may also have a bearing on the ultimate decision of the respondent in considering the petitioner's representation. Therefore, the prayer of the petitioner to re-open the contempt petition for wilful disobedience of the second respondent cannot be sustained.

6. In that view of the matter, the sub-application is closed.

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Index : Yes / No

Speaking order / Non-speaking order

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S.S.SUNDAR. J.,

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