



Cont.P.No.1374/2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Cont.P.No.1374/2021

[Hybrid Mode]

N.Sheela Devi

.. Petitioner

Vs.

- 1.Mr.Pankaj Kumar Bansal IAS
The Chairman and Managing Director
Tamil Nadu Industrial Development
Corporation Limited, No.19A,
Rukmini Lakshmipathi Road
Egmore, Chennai 600 008.
- 2.Mrs.A.R.Rajalakshmi
The General Manager [P&A/HR & Finance]
Tamil Nadu Industrial Development
Corporation Limited, NO.19A,
Rukmini Lakshmipathi Road
Egmore, Chennai 600 008.

.. Respondents

Prayer:- Civil Revision Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents herein for willfully disobeying the order dated 28.07.2021 passed by this Court in WMP.No.13653/2021 in WP.No.12852/2021.



WEB COPY



Cont.P.No.1374/2021

For Petitioner : Mr.J.Deliban
For Respondents : Mr.Anand Gopalan

ORDER

- (1) This Contempt Petition is filed alleging wilful disobedience of the order passed by this Court dated 28.07.2021 in WMP.No.13653/2021 in WP.No.12852/2021.
- (2) The petitioner in the contempt petition is an employee of M/s.TIDCO. Challenging the order of transfer on 11.06.2021, the petitioner filed WP.No.12852/2021. This Court granted an order of stay for a period of three weeks. It was also observed that taking note of the pandemic situation due to COVID-19, an order of stay was granted for a period of three weeks on 17.06.2021.
- (3) It should be noticed that this Court was probably prompted by the COVID situation to grant an interim order. However, this Court extended the interim order for a further period of three weeks from 28.07.2021. Alleging disobedience of the subsequent order, extending the interim stay for a further period of three weeks, the present contempt petition is filed.



Cont.P.No.1374/2021

WEB COPY

- (4) In the affidavit filed in support of the contempt petition, the petitioner has stated that the respondents/contemnors served a Memo on the petitioner on 18.06.2021 calling upon the petitioner to explain as to why disciplinary action should not be initiated against her for wilful subordination for not reporting to duty. It is to be seen that the interim order was passed on 17.06.2021 and there is no reference to the same in the communication dated 18.06.2021 about the intimation or communication by the petitioner about the interim order granted by this Court on 17.06.2021. Apart from that, it is not even alleged in the affidavit that the order dated 17.06.2021 was communicated to the respondents/contemnors on the same day and that the respondents, despite receipt of the order granting interim stay, has served the Memo on 18.06.2021.
- (5) The further allegation in the affidavit is that on 14.07.2021, the respondents directed the petitioner to report duty immediately at the transferred place as per the terms of the order dated 11.06.2021 and relieved the petitioner from the corporate office on the



Cont.P.No.1374/2021

WEB COPY

afternoon of 15.07.2021, despite the interim order dated 17.06.2021 being served on the respondents. Since the interim order was granted citing COVID-19 pandemic situation, the respondents probably thought that the Court had suggested the petitioner to report duty after a period of three weeks as indicated in the order. This Court is unable to find any wilful disobedience.

- (6) It is stated that the respondents had issued a letter dated 20.08.2021 to the petitioner on the following lines:-

"With reference to your advocate notice dated 18.08.2021, you are hereby informed that the Hon'ble High Court by its order dated 28.07.2021 had extended the stay only for a period of 3 weeks. The stay expired on 17.08.2021. Accordingly, you were relieved from the service on 17.08.2021 and with a direction to report at your transferred location. However, you have now communicated that you have been unable to have the writ petition listed for extension of stay. The Hon'ble High Court had granted stay only till 17.08.2021 and being so you ought to join the transferred location. However, in order to give you an opportunity you are granted



Cont.P.No.1374/2021

WEB COPY

time till 31.08.2021 to obtain an order extending the stay. Accordingly, you are exempted from reporting at the transferred location till 01.09.2021."

- (7) The communication dated 20.08.2021 would indicate that the respondents had gone to the extent of giving further opportunity to the petitioner to move an application for extension of interim order and not to insist the petitioner to report duty at the transferred place till 01.09.2021. However, the communication dated 20.08.2021, as referred to above, has been shown as an act of contempt.
- (8) This Court is unable to agree with the petitioner. Though the petitioner was directed to join at the transferred place on the first occasion. But, thereafter, the respondent advised to join the transferred place if the petitioner is unable to get an order of extension before 31.08.2021. Hence, this Court is unable to find any justification to prosecute the respondents for contempt.
- (9) It is now admitted that the petitioner was dismissed from service for the charges levelled against her. Hence, the petitioner herself withdrew the writ petition with liberty to challenge the order of termination. Though the writ petition was dismissed as withdrawn,



Cont.P.No.1374/2021

WEB COPY

still it is open to the petitioner to pursue contempt if she is able to prove before this Court that the conduct and attitude of the respondents are contemptuous and intentionally done in willful disobedience of the order.

- (10) As discussed above, this Court is unable to find any cause or justification to prosecute the respondents for contempt.
- (11) In the result, the contempt petition is **dismissed**.

03.02.2022

AP

Internet : Yes

To

- 1.Mr.Pankaj Kumar Bansal IAS
The Chairman and Managing Director
Tamil Nadu Industrial Development
Corporation Limited, No.19A,
Rukmini Lakshmipathi Road
Egmore, Chennai 600 008.
- 2.Mrs.A.R.Rajalakshmi
The General Manager [P&A/HR & Finance]
Tamil Nadu Industrial Development
Corporation Limited, NO.19A,
Rukmini Lakshmipathi Road
Egmore, Chennai 600 008.



WEB COPY



Cont.P.No.1374/2021

S.S.SUNDAR, J.,

AP

Cont.P.No.1374/2021

03.02.2022