



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Cont. P(MD)No.185 of 2022

in

W.P(MD)No.9592 of 2021

M.Vadakaraimuthu

... Petitioner

Vs.

Ragavan,
The General Manager,
Tamilnadu State Transport Corporation (Kum) Ltd.,
Karaikudi Region,
Maruthupathi,
Managiri, Karaikudi,
Sivagangai District.

... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the Contemnor/2nd Respondent for his wilful disobedience in complying with the order of this Hon'ble Court dated 04.06.2021 made in W.P.(MD).No. 9592 of 2021.

Prayer in WP(MD) . 9592/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-1.To issue a Writ of Certiorari calling for the records relating to the proceedings of the 2nd respondent in Ref.No.TNSTC/TS/T2/170/19 dated 10/11/2020 and quash the same as illegal and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice

For Petitioner : Mr.SP.Vijay Nivas

For Respondent : Mr.D.Sivaraman

O R D E R

This Court passed an order in W.P.(MD)No.9592 of 2021 on 04.06.2021 as follows:-

"In fine, this writ petition stands allowed. The



impugned order passed by the second respondent in Ref.No.TNSTC/TS/T2/170/19, dated 10.11.2020 is hereby set aside on the ground of violation of principles of natural justice and the matter is remanded back to the second respondent to continue with the disciplinary proceedings against the petitioner by following the principles of natural justice. The petitioner is directed to give explanation to the charge memo dated 27.11.2019 through RPAD with acknowledgment card, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such explanation, the second respondent is directed to consider the same and pass appropriate orders on the disciplinary proceedings in accordance with law as expeditiously as possible, preferably, within a period of three months from the date of receipt of the petitioner's explanation. "

2. The learned counsel appearing for the respondent submitted the copy of the written instructions furnished to the learned counsel for the respondent along with the enquiry notice sent to the petitioner.

3. The learned counsel for the respondent made a submission that there is no co-operation on the part of the petitioner despite the fact that the five enquiry notices were issued. Therefore, the respondents are unable to complete the disciplinary proceedings.

4. A perusal of the enquiry notices reveals that on 06.09.2021, on 16.09.2021, on 06.10.2021 and on 06.01.2022, the enquiry notices were issued and the petitioner has not co-operated for the completion of enquiry. When the petitioner himself has not co-operated for the enquiry despite the fact that the enquiry notices were served to the petitioner, he has no *locus standi* to file the contempt petition and the very idea of the petitioner is to escape from the clutches of the disciplinary proceedings by not participating in the enquiry proceedings. Such an idea can never be encouraged by the Court. Once an employee got an order from this Court that the enquiry proceedings are to be completed within a stipulated period, then, the delinquent employee must co-operate for the conclusion of the disciplinary proceedings. Non co-operation would not provide cause for the purpose of filing a contempt application and such conduct can never be appreciated.

5. In view of the facts and circumstances, this Court is of the opinion that due to non co-operation on the part of the employee for conclusion of the disciplinary proceedings, the time bound given by this Court cannot be insisted upon and he is not entitled to get any relief merely based on the fact that there is a delay on the part of the authorities in concluding the proceedings as he is responsible for such delay.

<https://hcservices.courts.gov.in/hcservices> Court is of an opinion that the contempt petition



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deserves no merit consideration.
Petition stands dismissed.

Accordingly, the Contempt

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The General Manager,
Tamilnadu State Transport Corporation (Kum) Ltd.,
Karaikudi Region,
Maruthupathi,
Managiri, Karaikudi,
Sivagangai District.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-10074[F] dated 04/03/2022)

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