



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cont.P. (MD)No.911 of 2021

C.J.Christopher Signi

... Petitioner/Petitioner

versus

Mr.Dharmendra Pratap Yadav, I.A.S.,
The Principal Secretary,
Energy (D2) Department, 5th Floor,
Secretariat,
Fort St. George,
Chennai - 9.

... Contemnor/Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for the willful disobedience of the order of this Court in W.P.(MD)No.16930 of 2020 dated 09.02.2021.

Prayer in WP(MD). 16930 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Suspension Order in G.O.Ms.No.9 (Energy (D2) Dept. dt 27.12.2018 on the file of the respondents No.1 and consequential impugned Letter No.30861/E3/2018, dt 06.06.2020 on the file of the respondent No.2 and quash the same as illegal and consequently direction directing the respondent No.1 to revoke the Suspension order in G.O.Ms No.96 dt 27.12.2018 and reinstate the petitioner in the post of electrical inspector in light of the order passed by the Hon'ble Supreme Court in Ajay Kumar Choudhary - vs- Union of India reported in (2015) 7 SCC 291 and in Letter (Ms) N.43/N/2015-3, dt 26.04.2016 passed by the Principal Secretary, Personal and Administrative Reforms(N) Department, Chennai within time stipulated by this Court.

For Petitioner	:	Mr.I.Pinaygash
For Respondent	:	Mr.A.Kannan, Additional Government Pleader

ORDER

This Court, vide order dated 09.02.2021, in W.P.(MD)No.16930 of 2020, disposed of the writ petition and directed the respondents to complete the disciplinary proceedings against the petitioner at least within a period of four months from the date of receipt of a copy of the order and in any event, the respondents are unable to conclude the disciplinary proceedings within a time stipulated, the competent authority shall review the impugned order of suspension in



accordance with law. In view of non-compliance of the said order, the present contempt petition is filed.

2. Today, when the contempt petition is taken up for hearing, the learned Additional Government Pleader appearing for the respondent submits that the departmental proceedings could not be proceeded with, in view of the pendency of the criminal case against the petitioner. Pursuant to the order of this Court in W.P.(MD) No.16930 of 2020 dated 09.02.2021, the respondent reviewed the order of suspension and passed a detailed order, vide G.O.(Rt).No.138 Energy (D2) Department, dated 13.10.2021, that revocation of suspension and reinstatement into service is not feasible of compliance, in view of the pendency of criminal case against the petitioner.

3. The petitioner is involved in a case in Cr.No.5 of 2018 registered under Section 7 of Prevention of Corruption Act. In the said criminal case, a final report was filed and the same was taken on file as Special S.C.No.2 of 2020 before the learned Chief Judicial Magistrate, (Special Judge for PC Act Cases), Nagercoil. In view of the pendency of the criminal case, the departmental proceedings could not be proceeded. However, the Review Committee had reviewed the order of suspension and passed the order in G.O. (Rt.)No.138, Energy (D2) Department dated 13.10.2021. Therefore, no contempt of court is made out. Accordingly, the contempt petition is closed. However, the learned Chief Judicial Magistrate, (Special Judge for PC Act Cases), Nagercoil, is directed to complete the trial in Special S.C.No.2 of 2020, within a period of one year from the date of receipt of a copy of this order. No costs.

4. The Registry shall mark a copy of this order to the learned Chief Judicial Magistrate, (Special Judge for PC Act Cases), Nagercoil.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Chief Judicial Magistrate,
(Special Judge for PC Act Cases),
Nagercoil.

WEB COPY

+1 CC to M/s.SPL.GP (SR-3156[F] dated 31/01/2022)

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SVN(CO)

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