



Cont.P.No.2437 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

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S.Gurusamy

...Petitioner

-Vs-

Senthil Kumaresan, IRPFS,
Senior Divisional Security Commissioner,
O/o.The Railway Protection Force,
NGO Building, 5th Floor,
Chennai - 3.

...Respondent

PRAYER: Contempt Petition filed under section 11 of the Contempt of Courts Act to punish the respondent for contempt of deliberate violation of this Court's order dated 20.12.2021 passed in W.P.No.20406 of 2021.

For Petitioner : Mr.A.V.Somasundaram

For Respondent : Mr.ARL.Sundaresan, Senior Counsel
for Mr.K.Srinivasa murthy



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ORDER

This contempt case has been filed complaining the wilfull disobedience of the respondents in complying the order dated 20.12.2021 passed by this Court in W.P.No.20406 of 2021.

2. On behalf of the respondent, on 06.06.2023, an affidavit has been filed before the Court stating that the order of the court is complied with on 15.12.2022 and in the said affidavit, some details are furnished for the delay occurred in complying the order of the Court.

3. On perusal of those proceedings, this Court came to a prima facie opinion that the respondent has committed wilful disobedience of the Court orders and accordingly, by order dated 09.06.2023, a statutory notice is issued. In compliance of the statutory notice, Mr.Senthil Kumar, IRPFS, ie., the respondent present before this Court.

4. Learned Senior Counsel appearing for the respondent submits that admittedly there is a delay of ten months in complying the order of the Court



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by the respondent and the respondent has tendered his unconditional apology for the delay occurred in complying the order.

5. Learned Senior Counsel appearing for the petitioner submits that the order of the Court is complied with on 15.12.2022 with a delay of ten months and the reasons explained in the affidavit filed by the respondent is not acceptable, in view of the fact that after obtaining legal opinion, the respondent sent the file to the accounts and administrative wings of their office and due to that reason only, the delay is occurred and as such, the reasons stated for the delay is unreasonable.

6. Having considered the submissions of the respective Senior Counsels and on perusal of the materials available on record, there is no doubt to this Court that there is a delay of ten months in complying the order of this Court. The reasons stated in the affidavit of the respondent also are unacceptable to the Court. However, considering the unconditional apology tendered by the respondent and as this Court feels that it is bonafide one, it has to be accepted. Accordingly, the unconditional apology tendered by the respondent is accepted.



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7. For the above mentioned reasons, in our view, further continuation of this contempt case is unwarranted. Accordingly, it is closed. However, it is made clear that the respondent shall be more cautious and diligence in future in implementing the orders.

8. Consequently, connected Sub-Application is closed, if any.

23.06.2023

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Index:Yes/No

Neutral Citation : Yes/No



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BATTU DEVANAND, J.

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