



C.M.P.No.11920 of 2023
in
Cont.A (SR) 57921 of 2023
(Filing No.)

M.SUNDAR, J.,
and
R.SAKTHIVEL.J.,

(Order of the Court was made by M.SUNDAR.J)

This order will dispose of the captioned 'Criminal Miscellaneous Petition' ['Crl.M.P' for the sake of brevity], which has been filed for dispensed with prayer.

2. This order has to be read in conjunction with and in continuation of earlier order made in C.M.P No..10029 of 2023, which was filed with a prayer for third party leave. It is order dated 05.06.2023, which reads as follows:

'Captioned 'Civil Miscellaneous Petition' ['CMP'] has been filed with a prayer seeking leave to file a contempt appeal assailing an 'order dated 24.03.2023 made by Hon'ble single Judge of this Court in Cont P.No.2622 of 2022' [hereinafter 'impugned order' for the sake of convenience and clarity].



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2. *Mr.C.Munusamy, learned counsel on record for petitioner who is before us advertng to case file submits that the petitioner joined the secretariat service through 'Tamil Nadu Public Service Commission' [TNPSC] on 11.02.2000, the petitioner was given periodic promotion and was last serving as Law Officer on deputation in the School Education Department.*

3. *Learned counsel submits that the impugned order came to be made by Hon'ble single Judge, when the petitioner was in Court for a hearing and at this juncture it will suffice to say that the matter pertains to alleged unruly behavior in Court during Court hearing. At this juncture, we do not express any opinion on this aspect of the matter. Be that as it may, advertng to paragraph No.4 of the impugned order, learned counsel submits that while directing the Principal Secretary to Government [who was suo-motu impleaded in the contempt petition on 24.03.2003] to initiate disciplinary action against the petitioner for alleged unruly behavior in Court Hon'ble Court has also directed the Principal Secretary to place the petitioner under suspension immediately. Learned counsel for petitioner submits that this tantamounts to punishment and therefore the petitioner is entitled to assail the order under Section 19 of Contempt of Courts Act, 1971 and the captioned leave CMP has become necessary as the petitioner was not party to the contempt petition.*

4. *We perused the case file and we find that there is a*



specific directive to place the petitioner under suspension pending disciplinary proceedings and learned counsel informs us that the petitioner is now under suspension.

5. In the light of the narrative thus far, prayer for third party leave in the captioned CMP is acceded to.

Captioned CMP is ordered as prayed for. There shall be no order as to costs.'

For the self-same reason, the prayer in captioned Crl.M.P is also acceded to.

[M.S.J.,] [R.S.V.J.,]
13.06.2023

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