



Cont.P.No.1672 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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Mr.S.Kumar

...

Petitioner

versus

1.Mr.Ashwani Kumar IAS
Chief Secretary to Government
Government of Puducherry,
Puducherry.

2.Mr.H.P.S.Sran,
Secretary to Government,
Industries and Commerce,
Government of Puducherry,
Puducherry.

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Respondents

PRAYER: Contempt Petition filed under Section 11 of Contempt of Court Act, 1971, to punish the respondents for committing contempt of the order of this Court dated 01.07.2009, in W.P.No.26164 of 2006.



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For petitioner : M/S. TVJ Associates
J.Srinivasa
For Respondents : Mr.Syed Mustafa
Special Government Pleader

ORDER

(Order of the Court was delivered by *D.KRISHNAKUMAR, J.*)

This contempt petition is filed to punish the respondents for committing contempt of the order of this Court dated 01.07.2009 in WP.No.26164 of 2006.

2. The 2nd respondent has filed a counter affidavit in the present contempt petition. At para 5 of the said counter affidavit, it is stated that the petitioner herein was promoted to the post of Assistant Director of Industries on regular basis with effect from 01.08.2006, vide G.O.Ms.No.02/2020, dated 15.06.2020. It is therefore contended by the Learned Special Government Pleader that the order passed in the writ petition has been complied with and in any event the contempt petition has been filed belatedly after a lapse of more than 10 years and therefore he sought for dismissal of the contempt



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petition.

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3. It is seen that pending the contempt petition, the order in the writ petition has been complied with by passing G.O.Ms.No.02/2020 dated 15.06.2020.(though the contempt petition has been numbered as Contempt Petition No.1672 of 2022, it is seen from the records that the contempt petition has been filed on 08.07.2019 itself).

4. With regard to the question of delay, this court finds that the petitioner has filed the contempt petition alleging disobedience of the order passed way back on 01.07.2009, clearly after a decade since the order came to be passed.

5. We therefore find force in the submission of the Learned Special Government Pleader that the contempt petition deserves to be dismissed solely on the ground of delay and laches. Even otherwise, the respondents have passed an order on 15.06.2020 whereby the petitioner has been promoted to the post of Assistant Director of Industries, on regular basis, with effect from 01.08.2006. If at all the petitioner is aggrieved by the said order 15.06.2020, it is always be



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open to the petitioner to take recourse to such legal proceedings that may be open to him. Therefore, we do not find any merit in the contempt petition. Consequently, the contempt petition is dismissed.

[D.K.K., J.] [P.B.B., J.]
11.07.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn



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and
P.B. BALAJI, J.

(mrn/kpr)

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