



Cont.P.No.1640 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

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K.Shanmugasundaram

...Petitioner

-Vs-

1.S.Ravi,
District Educational Officer,
Kancheepuram, Kancheepuram District.

2.P.Jaysankar,
Block Educational Officer,
Uthiramerur, Kancheepuram District.

...Respondents

PRAYER: Contempt Petition filed under section 11 of the Contempt of Courts Act to punish the respondent for willfully disobeying the orders of the Court in W.P.No.9870 of 2021 dated 21.04.2021.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.S.Silambanan, Senior Counselling
Assisted by
Mr.G.Nanmaran



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ORDER

This contempt case has been filed complaining the willful disobedience of the respondents in implementing the order dated 21.04.2021 in W.P.No.9870 of 2021.

2. While allowing the writ petition, this Court directed the petitioner to re-present the request along with the judgment of this Court in W.P.(MD).No.742/2018 and on such resubmission being made, the respondents 1 and 2 are directed to consider the request of the petitioner on merits and in accordance with law in the light of the judgment relied on by him and pass order within a period of eight weeks from the date of receipt of a copy of the order.

3. Complaining that the said order is not implemented by the respondents, the present contempt case has been filed.

4. A counter affidavit has been filed wherein it is stated that they filed writ appeal against the order and after dismissal of the writ appeal, they preferred SLP and the same is pending and due to that reason, the order is not complied with.

5. Learned senior counsel for the respondent submits that the delay occurred in implementing the order of the Court for the reason stated in the



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counter affidavit and however, the order is complied with by issuing proceedings dated 21.06.2023, subject to the outcome of the SLP and requested the Court to accept the apology tendered by the respondent.

6. Having heard the submissions of the counsel and on perusal of the materials available on record, this Court is not satisfied with the contentions of the respondent that due to filing of Writ Appeal and due to filing SLP, they could not comply with the order of the Court. Mere pendency of Writ Appeal and SLP is not a ground for the respondent for not implementing the order of the Court. If any stay is granted by the Division Bench in writ appeal or by the Apex Court in SLP, then only, they can take such a ground. However, considering the fact that the order is complied with now, subject to the outcome of the SLP, some lenient view can be taken against the respondent.

7. This Court asked the respondent who is present before the Court about the delay in implementation of the Court order, he tendered unconditional apology for the delay caused and also gave an undertaking, to be more careful in implementing the orders of the court in future. Considering the submission, in our opinion, the unconditional apology



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tendered by him is a bonafide and accordingly, it is accepted.

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8. For the reasons stated above, this contempt case is closed.

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

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Index:Yes/No

Neutral Citation : Yes/No

BATTU DEVANAND, J.



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