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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

Cont.P.No.131 of 2023
& Sub.Appln.(OS).No.935 of 2023

Shanthi

...Petitioner

Vs.

1.K.Shanthi
District Collector, Dharmapuri, Dist.
Dharmapuri.

2.Jayalakshmi
Special Tahsildar (Distress Relief)
Dharmapuri

...Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents herein for willful disobedience of the order dated 11.03.2022 and corrected order dated on 05.04.2022 in W.P.No.33303 of 2014 passed by this Hon'ble Court.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by
Mr.K.Tippu Sultan
Government Advocate



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ORDER

Read this order in conjunction with and in continuation of earlier orders passed in the matter, especially order dated 06.12.2023 reading thus:-

"No appearance for the petitioner today.

2. Mr.Ravindran, learned AAG, who appears for respondents states that proceedings have been issued on 17.11.2023 in compliance of order dated 11.03.2022 as against which contempt is alleged.

3. Let a copy of the typed-set be served upon the petitioner / learned counsel for the petitioner. Respondents state that certain particulars have been called for from the petitioner and she has been asked to appear before them but there has been no appearance by her thus far.

4. Statutory notice was issued to the respondents on 07.11.2023.

5. A copy of GO RT No.4827 dated 27.11.2023 is produced by learned AAG and the appearance of R1 is dispensed with, for the reasons stated therein, for the hearing slated on 05.12.2023. Though Mr.Ravindran had stated in the course of the hearing that an affidavit has been filed by R1, enquiry with the Registry reveals that no such affidavit has been filed.

6. It would have been appropriate had the Government Order been accompanied by affidavit of R1 seeking dispensation of her appearance, instead of which a copy of GO has simply been produced which will not exonerate R1 either from non-compliance of order dated 11.03.2022 thus far or direction for appearance on 05.12.2023. R1 will thus appear on 21.12.2023 at 12 noon.

7. R2 has appeared today before Joint Registrar (Original Side) and her appearance is noted and dispensed with in the future hearings.



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8. List on 21.12.2023. In the meantime, if the petitioner appears before the respondents, let the needful be done towards immediate disbursal of the pension."

2. There is a direction to R1 to appear today on the basis that there had been no application or affidavit filed by R1 seeking dispensation of appearance on the earlier occasion.

3. Between 06.12.2023 to today, a report was called from the Contempt Section, which reveals that sub-application was moved by R1 on 05.12.2023 seeking dispensation. 05.12.2023, owing to adverse weather conditions on that date, had been declared as a holiday. Thus, the SR for the sub-application came to be generated on 06.12.2023. Thus, when the matter had been called on 06.12.2023, the report from the section was that no application was pending. This appears to be incorrect in light of the subsequent Report of the Registry.

4. Incidentally, that sub-application has been returned on 07.12.2023 and had not been re-presented thereafter. Instead, R1 has now filed a separate sub-application seeking dispensation of her appearance today. This is ordered as prayed for.

5. Mr.Ravindran, learned AAG, states that with the issuance



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of pension proceedings dated 17.11.2023, nothing further is required, except certain documents to be produced by the petitioner, as per the list supplied by Mr.Ravindran and set out below:-

"List of documents to be submitted in online through e-seva centres for receiving pension:

- 1.Aadhar card*
- 2.Widow certificate*
- 3.Bank Passbook*
- 4.Ration Card"*

6. The pension proceedings require the petitioner to make an online application. This is misconceived, as the grant of the pension as per Court order dated 11.03.2022, though subject to pending writ appeal. The petitioner may appear before the authority either on 26.12.2023 or 27.12.2023 with necessary documents as above and upon completion of the necessary procedure, pension will be credited to her bank account within one week thereafter.

7. This contempt petition and connected application are closed. No costs.

21.12.2023

Index : Yes
Neutral Citation : Yes
ssm



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Dr.ANITA SUMANTH,J.
ssm

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