



Cont.P. No.2846 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Contempt Petition No.2846 of 2022

K.Annathurai

.. Petitioner

Versus

1.Dr. Eswaramoorthy,
Director of Collegiate Education,
Directorate of Collegiate Education,
Institute of Advance Study in Education Campus,
577, Anna Salai,
Saidapet,
Chennai - 600 015,

2.Dr. C.Poornachandran,
Principal,
Arulmigu Subramaniya Swamy
Government Arts College,
Thiruthani - 631 209.

.. Respondents

Prayer: Petition filed under Section 11 of Contempt of Court Act 1971 to initiate proceedings against the respondents herein for their willful disobedience to the order passed by this Court in W.M.P. No.30006 of 2022 in W.P. No.30580 of 2022 dated 17.11.2022 and punish them accordingly.



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For Petitioner : Mr.S.Sathia Chandran
For Respondents : Mr.V.Ramesh,
Government Advocate

ORDER

The operative portion of the order, which is the subject matter of this Contempt Petition reads as follows :

5. After giving due consideration to the contents of the affidavit filed in support of this writ petition as well as to the submissions made by the learned counsel for the petitioner, this Court on a prima facie consideration is of the considered view that the reasons given for transferring the petitioner seems to be punitive in nature. However, the contention raised by the respective parties can be examined only after a counter is filed by the respondents in the main writ petition.

6. Accordingly, there shall be an order of interim stay of the impugned transfer order as prayed for in W.M.P. No.30006 of 2022.

2. It is now informed by the learned Government Advocate appearing for the respondents that the order dated 17.11.2022 passed in W.M.P. 30006 of 2022 in W.P. No.30580 of 2022, has been duly complied with. However, the learned counsel for the petitioner would submit that the order was complied with only after a period of four months from the date of the order, as the petitioner was permitted to join duty only after a period of four months from the date of the order dated 17.11.2022 in W.M.P. No.30006 of 2022 in W.P. No.30580 of 2022.



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However, the learned Government Advocate appearing for the respondents would submit on instructions that the petitioner joined duty on 03.03.2023. As seen from the order dated 17.11.2022 in W.M.P. No.30006 in W.P No.30580 of 2022, this Court had only granted interim stay of the transfer order. Since the petitioner has already joined duty subsequent to the passing of the order dated 17.11.2022 in W.M.P. No.30006 of 2022 in W.P. No.30580 of 2022, this Court is of the considered view that the order which is the subject matter of this Contempt Petition has been complied with by the respondents. Infact, the main writ petition is still pending. If further directions are required by the petitioner, he can seek the same in the pending writ petition. The scope of the contempt petition is limited. On a prima facie consideration, the respondents have complied with the order of this Court, dated 17.11.2022 passed in W.M.P. No.30006 of 2022 in W.P. No.30580 of 2022. This Court cannot keep this Contempt Petition pending any further in view of the compliance of the order by the respondents.

3. For the foregoing reasons, no further orders need be passed in this petition as the respondents have complied with the order of this Court, dated 17.11.2022 passed in W.M.P. No.30006 of 2022 in W.P. No.30580 of 2022. Accordingly, this Contempt Petition is closed.



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Liberty is granted to the petitioner, if aggrieved by any non payment of salary to approach the writ Court by filing a miscellaneous petition in the pending writ petition.

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ABDUL QUDDHOSE, J.

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