



Cont.P.(MD)No.281 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Cont.P.(MD)No.281 of 2023
in
W.M.P(MD)No.12904 fo2 022
in
W.P(MD)No.17714 of 2022**

K.Yogarani

... Petitioner/Petitioner/Petitioner

Vs.

1.Mr.Senthilkumar,
The Commissioner of Police,
Madurai City,
Madurai.

2.Mr.Sura Kumar,
The Assistant Commissioner of Police,
Annaa Nagar Range,
Madurai City,
Madurai.

... Contemnors/Respondents 5 & 6/
Respondents 5 & 6



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PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents/contemnors under Section 11 of Contempt of Courts Act, 1971 for disobeying and defying the order dated 08.08.2022 passed in W.M.P(MD)No.12904 of 2022 in W.P(MD)No.17714 of 2022 on the file of this Hon'ble Court in accordance with law.

For Petitioner :Mr.P.M.Vishnuvarthanan
For Respondents :Mr.S.P.Maharajan,
Special Government Pleader

ORDER

For non-compliance of the order of this Court, dated 08.08.2022 passed in W.M.P(MD)No.12904 of 2022 in W.P(MD)No.17714 of 2022, this Contempt Petition is filed.

2. The case of the petitioner is that the petitioner is working as Grade-II Woman Constable. The petitioner joined the service as Woman Constable and got married in the year 2011. Due to the pregnancy and allied health reasons, she did not report duty between 28.10.2011 to 17.02.2013 and thereby, disciplinary proceedings was initiated and thereafter, punishment was imposed treating the above said period as desertion period. Therefore, the petitioner did not avail maternity leave for



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the first child. Thereafter, she made a challenge before this Court in W.P(MD)No.17714 of 2022. In the said writ petition, this Court granted interim stay, vide order dated 08.08.2022 in W.M.P(MD)No.12904 of 2022. The grievance of the petitioner is that, in view of interim order granted by this Court, benefit was not granted to the petitioner, and hence, she filed this contempt petition.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. The fact remains that the main writ petition has been filed by the petitioner, challenging the impugned punishment order, dated 28.05.2022 and for a consequential direction to direct the fifth respondent to grant maternity leave to the petitioner. Unless the writ petition is finally heard and affirmative direction is issued, the petitioner cannot file a contempt petition and therefore, the prayer made in the contempt petition is misconceived as there is no willful disobedience of the order passed by this Court.



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5. Hence, this Contempt Petition is closed.

24.02.2023

pm

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Assistant Commissioner of Police,
Annaa Nagar Range,
Madurai City,
Madurai.



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M.DHANDAPANI, J.

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