



CONT.P.(MD) Nos.959 of 2022 and 531 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

CONT P(MD)Nos.959 of 2022 and 531 of 2023

In Cont P(MD)No.531 of 2023:

S. Kalaiselvi

...Petitioner

Vs.

1. Thiru. Dr. Arivozhi,
Director of Elementary School Education,
DPI Campus, College Road, Chennai.

2. Thiru. Alocious Christofer,
District Educational Officer,
Sankarankovil,
Now at Tenkasi,
Tenkasi District.

3. Thiru. Anthony Raj,
Block Educational Officer,
Sankarankovil,
Tenkasi District.

....Respondents

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to please to punish the contemnors/ respondents for their will full disobedience of the order made in CONT. P. (MD) No.959 of 2022 to W.P. (MD) No. 14203 of 2019 dated 11.11.2022 on the file of this Court.



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S.Kalaiselvi

...Petitioner

Vs.

1. Thiru. Dr. Arivozhi,
Director of Elementary School Education,
DPI Campus, College Road, Chennai.
2. Thiru. Jeyaprakash Rajan,
District Educational Officer,
Sankarankovil, Tenkasi District.
3. Thiru. Anthony Raj,
Block Educational Officer,
Sankarankovil, Tenkasi District.
4. Thiru. Ramasamy,
Secretary,
Hindu Middle School,
Ariyanayagapuram,
Kadayanallur Taluk,
Tenkasi District.

....Respondents

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to please to punish the contemnors/respondents for their will full disobedience of the order made in W.P.(MD) No.14263 of 2019 dated 15.07.2021 on the file of this Court.

In both Contempt Petitions:

For Petitioner : Mr.S.Kumar
For Respondents : Mr.R.Baskaran
Senior Counsel
for Mr.V.Nirmal Kumar



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COMMON ORDER

The Contempt Petition in Cont.P(MD)No.959 of 2022 has been filed complaining the willful disobedience of the order dated 15.07.20217 in W.P(MD)No.14763 of 2018 in true letter and spirit. Originally, the same was closed on 11.11.2022 recording the undertaking given by the learned counsel appeared for the respondents with a direction to settle all the monetary benefits payable to the petitioner as per the undertaking given by the respondents. In view of the same, the respondents ought to have settled all the monetary benefits to the petitioner within the period of 3 months from 11.11.2022.

2. Complaining that the undertaking given before this Court on 11.11.2022 in Cont.P(MD)No.959 of 2022 has not been complied with, the petitioner has filed Cont.P(MD)No.531 of 2023 before this Court.

3. Considering the facts and circumstances of the case, this Court was pleased to re-open Cont.P(MD)No.959 of 2022 on 03.08.2023.



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4. On 24.08.2023, Statutory Notice was issued in both the Contempt Petitions. In compliance of the Statutory Notice dated 24.08.2023, Dr.Arivozhi, Mr.Alocious Christoher, Mr.V.Anthony Raj and Mr.Ramasamy (i.e) Respondents herein are present before this Court.

5. Today, when the matters are taken up for hearing, the learned counsel for the petitioner submits that all the benefits, for which the petitioner is entitled, are settled on 19.09.2023.

6. On consideration of the statement of the learned counsel for the petitioner, it is proved that unless this Court issued Statutory Notice seeking the personal appearance of the respondents, the respondents would not have implemented the order of the Court. Admittedly, in the present case, there is clear willful disobedience in fulfilling the undertaking given by the respondents before this Court on 11.11.2022 and as such, the respondents are liable for the punishment under the provisions of the Contempt of Courts Act.



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7. At this juncture, when this Court asked the respondents about the punishment to be imposed against them, they tendered unconditional apology for the delay caused in fulfilling the undertaking given by them before this Court on 11.11.2022 and requested to accept the unconditional apology.

8. In view of the fact that the petitioner has received all monetary benefits as of now and considering the unconditional apology tendered by the respondents, this Court intends to take some lenient view against them. Accordingly, the unconditional apology tendered by the respondents is accepted considering it as *bonafide*.

9. Accordingly, the Contempt Petitions are closed with a warning to the respondents to be more careful and cautious in implementing the orders of this Court in future.

25.09.2023

Index : Yes / No
NCC : Yes / No



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BATTU DEVANAND, J.

CM

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