



CONT.P.(MD)No.1169 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **BATTU DEVANAND**

CONT.P.(MD)No.1169 of 2022

A.Latha Maheswari

... Petitioner

Vs.

Shambu Kallollikar, I.A.S.,
Secretary to the Government of Tamil Nadu,
Social Welfare Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

...Contemnor/1st Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for his wilful and wanton disobedience of the order passed by this Court made in W.P.(MD) No.8818 of 2019 dated 12.04.2019.



CONT.P.(MD)No.1169 of 2022

For Petitioner : Mr.S.Mandhiralingeswaran

For Respondent : Mr.Veerakathiravan

Senior Counsel

assisted by Mr.P.Subbaraj

O R D E R

This Contempt Petition has been filed complaining willful disobedience of the respondent in complying the order, dated 12.04.2019, passed in W.P.(MD)No. 8818 of 2019 in true letter and spirit.

2. While allowing the said Writ Petition, this Court directed the first respondent therein to consider and dispose of the appeal filed by the petitioner, dated 26.12.2016 on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of the order.

3. On behalf of the respondent, a counter affidavit has been filed. In the said counter affidavit, it is stated that he joined duty as



CONT.P.(MD)No.1169 of 2022

WEB COPY

Principal Secretary to Government, Social Welfare and Women Empowerment Department, Government of Tamil Nadu, on 31.05.2021 and he voluntarily retired from service as Additional Chief Secretary to Government, Social Welfare and Women Empowerment Department, with effect from 30.11.2022.

4. Admittedly, this Court by order, dated 12.04.2019 directed the first respondent therein to consider and dispose of the appeal filed by the petitioner, dated 26.12.2016 within a period of eight weeks from the date of receipt of a copy of the order. Even though it is considered that the order is communicated to the first respondent therein after two months from the date of the order, thereafter, it has to be complied with within a period of eight weeks. However, it may be before the end of the month of August, 2019. There is no dispute that the respondent herein is not holding the post of Principal Secretary to Government, Social Welfare and Women Empowerment Department, from the date of the order i.e., 12.04.2019 to 30.05.2021. The petitioner has to implead the concerned officer who is responsible for not implementing the order of the Court, dated 12.04.2019 within the time stipulated by the Court.



CONT.P.(MD)No.1169 of 2022

WEB COPY

5. During the course of hearing, Mr.Veerakathiravan, learned Senior Counsel appearing for the respondent submits that the appeal filed by the petitioner is disposed of by the Appellate Authority by order, dated 04.08.2023 and the same was communicated to the petitioner.

6. In view of the above stated factual position, this Contempt case is liable to be dismissed on two grounds.

- 1) For non-joinder of proper and necessary parties as respondents in this Contempt case and;
- 2) In view of the fact that the appeal is already disposed of.

7. In view of the above, this Court is of the considered opinion that as the respondent is not a proper party to this Contempt case and considering the issue whether there is any wilful disobedience on his part or not is unnecessary in this Contempt case.



WEB COPY



CONT.P.(MD)No.1169 of 2022

8. Accordingly, this Contempt Petition is dismissed.

26.09.2023

Index : Yes / No
Internet : Yes
NCC : Yes / No

RM



CONT.P.(MD)No.1169 of 2022

To
WEB COPY

- 1.The Secretary,
State of Tamil Nadu,
School Education Department,
Secretariat,
Chennai.
- 2.The Director of School Education
Now Commissioner of School Education,
Chennai.
- 3.The District Educational Officer,
Tirunelveli District.



WEB COPY



CONT.P.(MD)No.1169 of 2022

BATTU DEVANAND, J.

RM

CONT.P.(MD)No.1169 of 2022

26.09.2023