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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.02.2023**

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**CONT.P(MD)NO.1474 OF 2021
in
W.A(MD)No.1490 of 2021**

J.Amalanathan :Petitioner/Appellant

.VS.

Rev.Alphonse Manikam,
The Secretary,
St.Xavier's College(Autonomous),
Palayamkottai,
Tirunelveli – 627 002. :Contemnor/Second Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act praying this Court to punish the respondent herein for deliberate and wilful disobedience of the order passed by this Court in W.A(MD)No.1490 of 2021, dated 28.07.2021.

For Petitioner :Mr.R.Diwakaran
for M/s.D.Geetha

For Respondent :Mr.K.Ragatheesh Kumar
for M/s.Issac Chambers



ORDER

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DR.G.JAYACHANDRAN,J
AND
K.K.RAMAKRISHNAN,J

Amalanathan, the Contempt Petitioner herein is an Associate Professor in St.Xavier's College(Autonomous),Palayamkottai, Tirunelveli District. He along with three others were punished in the departmental proceedings. Aggrieved by the said order, they have preferred Writ Petition before the learned Single Judge of this Court. Along with the main Writ Petition, to quash the order of punishment issued by the Management on 05.07.2021, petition for interim stay in W.M.P(MD)No.9238 of 2021 in W.P(MD)No.11748 of 2021 was sought.

2.When the matter came up for admission on 14.07.2021, the learned Single Judge of this Court ordered notice of motion returnable by two weeks and private notice was also ordered in the Writ Petition and in the miscellaneous Petition. For not granting ex-parte stay, the said Amalanathan has filed intra-Court appeal along with three staffs of the college, who were punished, challenging the order passed by the learned Single Judge causing



notice to the respondent. The said appeals were entertained by this Court.

"This Court has its own doubt about the maintainability of such Writ Appeals filed under the Letters Patent, which permits intra-Court appeal in the chartered High Court of Madras only against the judgment or any order of the learned Single Judge. While-so, whether causing notice to the other side to hear his case in accordance with law and principles of natural justice, will fall within the meaning of a judgment or order."

3.Be that as it may, the Division Bench of this Court been if prima facie convinced with the ground raised in the Writ Appeal that the order passed by the learned Single Judge ordering notice to the respondent, without granting exparte ad-interim order of stay is arbitrary, illegal and in violation of Article 14 of the Constitution of India, allowed the Writ Appeal at the admission stage and also granted interim stay of operation of the punishment imposed. This order was passed on 28.07.2021. As per this order, interim stay to be in force till 27.08.2021. The Division Bench has also directed the Writ Court to consider as to whether the order of interim stay should continue further, after respondents in the Writ Petition entered appearance and make their submissions.



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4.In this Contempt Petition, it is stated in violation of the interim order, punishment imposed on him with increment cut

5.Counter been filed by the Contemnor stating that the Contempt Petitioner Amalanathan was due to receive his increment in the month of July every year and in the departmental proceedings, two increments stoppage was ordered. The first stoppage of increment was effected on 01.07.2021, whereas, the interim stay was granted subsequently on 27.08.2021 for a limited period. Amalanathan obtained superannuation on 31.07.2022. The second stoppage of increment was effected on 01.07.2022, since the interim stay was not extended after 27.08.2021. Therefore, this Court finds no merit in the Contempt Petition alleging that there is wilful disobedience of the order passed by this Court by the Contemnor.

6.Therefore, the Contempt Petition stands dismissed. No costs.

[G.J.,J.] [K.K.R.K.,J.]
09.02.2023

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



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DR.G.JAYACHANDRAN, J.
AND
K.K.RAMAKRISHNAN, J.

vsn

ORDER MADE IN
CONT.P(MD)NO.1474 OF 2021
in
W.A(MD)No.1490 of 2021

09.02.2023