



CONT.P.(MD) No.710 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

CONT P(MD)No.710 of 2019
in W.P(MD) No.79 of 2019

A. Jansi Rani

...Petitioner

Vs.

1.Mr.Murugesan,
Chief Educational Officer,
Tuticorin.

2. Mr.Lakshmanasamy,
District Educational Officer,
Thiruchendur,
Tuticorin District.

....Respondents

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to please to punish the respondents for willful deliberate disobedience of the order passed by this Hon'ble Court in W.P.(MD) No.79 of 2019 dated 28.01.2019 and pass such further or other orders as may deem fit and thus render justice.

For Petitioner : Mr.V.Panneerselvam

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



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ORDER

This Contempt Petition has been filed complaining the willful disobedience of the order dated 28.01.2019 in W.P(MD)No.79 of 2019 in true letter and spirit.

2. While allowing the said Writ Petition, the order impugned therein was set aside with a direction to the respondents to approve the appointment of the petitioner with effect from 04.06.2015 within the period of eight weeks from the date of receipt of copy of the order.

3. It appears the order of the Court was communicated to the respondents on 02.04.2019. The said order has to be complied within eight weeks i.e on or before 02.06.2019.

4. It is an admitted fact that during the relevant point of time, no appeal is preferred on behalf of the respondents. The Writ Appeal was filed against the order of the learned Single Judge only on 19.08.2019



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and the same was numbered as W.A(MD)No.350 of 2020. It is also an admitted fact this Court has not granted stay order in the said Writ Appeal. Thereafter, the Writ Appeal was dismissed on 15.03.2021. Even after dismissal of the Writ Appeal also for more than 2 ½ years, the order of the Court is not complied with.

5. A counter affidavit has been filed on behalf of the second respondent.

6. The learned Senior Counsel appearing on behalf of the respondents submits that the first respondent is no more and the second respondent is present before this Court in compliance of the statutory notice.

7. Basing on the averments made in the counter affidavit, the learned Senior Counsel would submit that the respondents misunderstood the order of the Division Bench while dismissing the Writ Appeal and due to that reason, delay occurred in complying the order. The learned Senior counsel also submits that the order of the Court is



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complied with on 07.09.2023 and the proceedings are issued to approve the appointment of the petitioner.

8. Having heard the submissions of the respective counsels and upon perusal of the materials available on record, this is a clear case of contempt committed by the respondents. If the respondents are not in a position to implement the order of the Court within the time stipulated by the Court, they ought to have filed an appropriate application seeking extension of time. Otherwise, they have to prefer Writ Appeal within the time prescribed under Law or before expiry of time stipulated by the Court to implement the order.

9. In the present case, Writ Appeal was filed by them on 19.08.2019, which is subsequent to the expiry of the time stipulated by the Court to implement the order of the Court. It is very unfortunate to note that even after dismissal of the Writ Appeal on 15.03.2021 also, they took 2 ½ years time to implement the order of the Court. In the considered opinion of this Court, the action of the respondents is not only to be treated as willful disobedience. It has to be treated as



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carelessness towards the order of the Court, which is not acceptable to this Court.

10. In view of the above, this Court holds that the respondents are found guilty of contempt of Court. Accordingly, they are liable to be punished under the provisions of Contempt of Courts Act.

11. Accordingly, this Contempt Petition is allowed.

12. The Contemnor No.2 is sentenced to undergo simple imprisonment for a period of four weeks and to pay a fine of Rs.1,000/- (Rupees one thousand only), failing to pay fine, he has to undergo simple imprisonment for a period one week further.

13. In view of the facts and circumstances of the case, clear disobedience of the respondent is proved in complying the order. Hence, the request for suspension of sentence is rejected.



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14. The Contemnor, who is present before this Court, is directed to surrender before the Registrar (Judicial) of this Court forthwith.

15. The Registrar (Judicial) is directed to take further steps.

19.09.2023

Index : Yes / No
NCC : Yes / No
CM

To,
Mr. Lakshmanasamy
District Educational Officer,
Thiruchendur,
Tuticorin District.



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BATTU DEVANAND, J.

CM

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