



Cont.P.(MD) No.1904 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

CONT.P.(MD)No.1904 of 2022

S.Senguttuvan

... Petitioner

-Vs-

1.Mrs.P.Jothi Nirmala Samy,

The Secretary to Government,

Commercial Taxes and Registration Department,

Secretariat, Chennai-600 009.

2.Mr.P.Shivan Arul,

The Inspector General of Registration,

No.100, Santhome High Road,

Chennai-600 028.

... Contemnors

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnors for their willful disobedience of the order of this

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Court made in W.A.(MD)No.305 of 2019 and C.M.P.(MD)No.2453 of 2019, dated 25.07.2022.

For Petitioner : Mr.G.Prabhu Rajadurai,
for Mr.S.M.A.Jinnah
For Respondents : Mr.R.Baskaran,
Additional Advocate General
assisted by Mr.M.Prakash,
Additional Government Pleader

ORDER

[Order of the Court was made by R.SURESHKUMAR, J.]

Alleging non-compliance of the order passed by this Court in W.A.(MD)No.305 of 2019 dated 25.07.2022, this Contempt Petition is filed.

2.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that though a direction was given by the Division Bench of this Court in the said order, directing the petitioner to give a representation with regard to the promotion of course notionally as he has already superannuated and further direction was given to the respondents to

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consider the same in proper perspective by giving notional promotion and such representation though was given, the same was not properly considered and the rejection order has been passed. That itself amount to the violation of the order of this Court.

3.Though such a stand taken by the learned counsel for the petitioner, we feel that this Court had only given direction to the respondents to consider such representation to be given by the petitioner with regard to his plea of getting promotion notionally as he has already superannuated. Having considered the same if any order is passed and against which if he is aggrieved, he can workout the remedy in the manner known to law. Therefore, it cannot be construed as violation of the order of this Court.

4.The learned counsel for the petitioner also brought to the notice of this Court that because of the pendency of the Contempt Petition, retirement benefits as well as the arrears of increment have not been given.



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5.The learned Additional Advocate General for the respondents, by relying upon the communication issued by the District Registrar (Administration), Marthandam Registration District, dated 17.04.2023, would submit that the amount payable to the petitioner has been credited in his bank account on 08.03.2023.

6.However, on perusal of the same, the learned counsel for the petitioner would reply stating that this amount was only arrears of increment and insofar as the retirement benefits are concerned, still the amount has not been disbursed.

7.With regard to the said allegation since till date no such retirement benefits had been given to the petitioner, the same shall be looked into by the respondents and if it is not so far disbursed, the respondents shall disburse it and if they already disbursed, a communication to that effect may be sent to the petitioner. It is also brought to our notice by the learned Additional Advocate

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General for the respondents that for getting retirement benefits, pension proposal papers should have been prepared and reached through proper channel, well in time. However, it is not reached the respondents and very recently, he had come forward to make it and within the shortest possible time, he assured to make signature in the papers. Thereafter, it would be processed and needful shall be undertaken.

8.Recording the said statement, this Contempt Petition stands closed.

[R.S.K., J.] & [S.S.Y., J.]
27.04.2023

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

MYR

To

1.Mrs.P.Jothi Nirmala Samy,
The Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai-600 009.

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2.Mr.P.Shivan Arul,
The Inspector General of Registration,
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