



Contp.No.2356 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2024

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THE HON'BLE Mr. JUSTICE BATTU DEVANAND

Cont.P.No.2356 of 2024

R.John

... Petitioner

Vs.

1.Dr.Supriya Sahu, IAS,
Additional Chief Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St.George, Chennai – 600 009.

2.Dr.Syed Muzammil Abbas, IFS,
Principal Chief Conservator of Forests,
(Head of Forest Force),
Velachery Main Road,
Guindy, Chennai – 600 032.

... Respondents

Prayer : Petition filed under Section 11 of the Contempt of Courts Act 1971, to punish the respondent (2nd respondent in W.P.No.18791 of 2019) for his willful disobedience in not complying with the order dated 30.08.2019 passed by this Court in W.P.No.18791 of 2019 and G.O.(2D) No.118 Environment, Climate Change and Forests (FR.2) Department, dated 10.08.2022.



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For Petitioner : Mr.S.Mani

For Respondents : Mr.J.Ravindran
Additional Advocate General
asst by
Mr.S.Rajesh
Government Advocate

ORDER

This Contempt Petition has been filed complaining willful disobedience of the respondents in implementing the order dated 30.08.2019 in W.P.No.18719 of 2019 in letter of spirit and sought to punish the respondents under the proceedings of the Contempt of Court Act.

2. This Court while allowing a batch of Writ Petitions on 30.08.2019 passed the order as extracted herein under:-

“8.The only objection appears to be is that as far as the present set of Writ Petitions is concerned, the learned Addl.Government Pleader for the respondents would draw the attention of this Court to para 13 of the Affidavit, which is extracted as follows:

“13. It is respectfully submitted that the petitioners in W.P.No.18771 of 2019, Sl.Nos.13



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& 14; in W.P.No.18791 of 2019, Sl.Nos.6, 7 & 8 and in W.P.No.18796 of 2019, Sl.No.23 are still employed as Supernumerary Watchers only since they have not been appointed to the post of Forest Watcher itself, the question of revision of seniority in the post of Forest Watcher does not arise.”

9.Since the issue involved in these writ petitions is no more res integra, calling for any fresh adjudication by this Court and the respondents Department itself has chosen to implement all the directions of this Court in favour of the employees concerned, this Court has to necessarily allow the present Writ Petitions as well.

10.Accordingly, all the present Writ Petitions are allowed as prayed for. No costs. It is made clear that the petitioners herein, on being regularized with effect from 24.01.1995 are not entitled to any monetary benefits, but they are entitled for counting of the service for the purpose of pension and other retirement benefits. It is also clarified that the direction of this Court would not be applicable to the petitioners whose serial numbers and writ petitions were given in para 13 of the counter affidavit extracted above.

11.The respondents are directed to pass appropriate orders, granting regularization to the petitioners with effect from 24.01.1995 within a period of four weeks from the date of receipt of a copy of this order. No costs.”

3. From the above, it is clear that the respondents are directed to pass appropriate orders granting regularization to the petitioner with effect from 24.01.1995 within a period of four weeks from the date of



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receipt of a copy of the order.

4. It appears that in compliance of the order of this Court, the State Government has issued G.O.(2D) No.118 Environment, Climate Change and Forests (FR.2) Department, dated 10.08.2022 permission to regularize the service of the petitioner. Admittedly, on receipt of the Government orders, the second respondent has to issue consequential proceedings for implementation of the order of this Court. But it was not done. For non compliance of the order of this Court, the present Contempt Petition has been filed.

5. During the pendency of the contempt petition, the service of the petitioner is regularized with effect from 24.01.1995 on par with his junior vide proceeding No.2044/2022/E, dated 23.08.2024.

6. The learned counsel appearing for the petitioner submits that the order of this Court is complied with only on 23.08.2024.

7. The learned Additional Advocate General appearing for the



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respondents would submit that though there is some delay in implementing the order of this Court, it was complied in true letter and spirit.

8. Heard the submissions of the respective counsel and carefully perused all the materials available on record.

9. It is clear that the order dated 30.08.2019 passed by this Court has been implemented only on 23.08.2024. While allowing the Writ Petitions on 30.08.2019, this Court directed the respondents to regularize the service of the petitioner within a period of four weeks from the date of receipt of a copy of the order.

10. On perusal of the materials available on record, this Court is of the opinion that the respondents did not comply with the order of the Court for more than five years which is not acceptable by this Court.

11. Considering the fact that the Government has issued G.O.(2D)



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No.118 Environment, Climate Change and Forests (FR.2) Department, dated 10.08.2022 and the reasons stated on behalf of the first respondent, this Court is of the view that there is no willfull disobedience on the part of the first respondent and accordingly this Contempt Petition is closed against the first respondent.

12. In compliance of the statutory notice issued on 11.09.2024, the second respondent is present before this Court.

13. The second respondent did not taken any steps to issue consequential proceedings for the true implementation of the order till 23.08.2024. Under these circumstances, this Court is inclined to impose punishment against the second respondent. This Court asked the second respondent who is present before this Court, about the reasons for the delay of five years for implementing the order of this Court. He submits that due to administrative reasons, the delay has occurred and he seeks unconditional apology for the delay caused.



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14. Normally, this Court will show some lenient view towards the officers, before imposing punishment against them. But in the present case this Court is not inclined to show any lenient view towards the respondent, in view of the abnormal delay of five years to implement the order of this Court.

15. As such, this Court is of the view that the second respondent did not implement the order of this Court in true letter and spirit and is liable for punishment under the provisions of the Contempt of Court Act.

16. At that stage, the learned Senior Counsel appearing for the second respondent would submit that the second respondent has already retired from service in the month of December 2022 and requested to consider his unconditional apology for the delay caused in implementing the order of this Court. He further submits that the second respondent is willing to do any social work to consider his request to accept his apology.



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17. Considering the request of the second respondent, this Court inclined to accept the unconditional apology tendered by him on condition that he shall contribute a sum of Rs.10,000/- from out of his pocket to any Old Age Home or Orphanage in the State of Tamil Nadu to be utilized for the benefit of the inmates of the Home. He shall submit the payment receipt before the Registrar (Judicial) of this Court, within a period of two weeks from today.

18. In view of the factual position, this Contempt Petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No
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BATTU DEVANAND, J.

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