



Cont.Petn.No.272 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

Cont. Petn. No.272 of 2021 in

W.A.No.2216 of 2013

M.Sukumar

... Petitioner

Vs.

1. Dr.K.Phanindra Reddy, IAS,
The Principal Secretary/Commissioner of
Revenue Administration,
Chepauk, Chennai-5.

2. Dr.V.Jayachandra Bhanu Reedy, IAS,
The District Collector, Krishnagiri,
Krishngiri District.

3. R.Sadheesh, District Revenue Officer,
Krishnagiri, Krishnagiri District.

... Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of the Courts Act, 1971 to punish the respondents for willfully and deliberately disobeying the orders of this Court, dated 03.04.2014 made in W.A.No.2216/2013.



Cont.Petn.No.272 of 2021

For Petitioner : Mr.S.Vijayakumar, Senior Counsel

for Mr.G.Bharadwaj

For Respondents : Mr. P.Kumaresan, Addl.Adv.General

for Mr.John Raja Singh, Addl.Adv.General

for R1 to R3

ORDER

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This matter was de-linked from Rev.Appn.No.139/2014.

The instant contempt petition has been filed to punish the respondents for willfully disobeying the order passed by this Court in W.A.No.2216/2013 dated 03.04.2014.

2. The learned Single Judge, has allowed the Writ Petition in W.P.No.15180/2013 on 03.04.2014, directing the Department to promote the writ petitioners as Assistant from the date of their respective immediate juniors promoted for the year 2012, within a period of six weeks from the date of receipt of the copy of the order. The contempt petitioner herein is the 7th petitioner in the above Writ Petition. As against the above order of the Writ Court, the Department has filed the above writ appeal in W.A.No.2216



Cont.Petn.No.272 of 2021

of 2013, which was came to be disposed of on 03.04.2014, confirming the

order passed by the learned single Judge in W.P.No.15180/2013.

According to the petitioner, though the time granted by this Court was already expired on 14.06.2014, the respondents/ Department have not complied with the orders passed by this Court. Hence this contempt petition.

3. The third respondent, viz., the District Revenue Officer, Krishnagiri District has filed a counter affidavit stating that, already, the petitioner herein along with the other writ petitioners had filed Contempt Petition No.2219/2014 before this court to punish the respondents for disobeying the order of this court dated 03.04.2014 passed in W.A.No.2216/2013, and the same was closed on 18.08.2014, by observing as *"the respondents had given promotion to the writ petitioners, vide orders dated 04.08.2014 and 13.08.2014 and thereby, the order passed in the writ appeal was complied with "*. Therefore, the learned Additional Advocate General strongly objected that without disclosing the above factum of filing earlier contempt petition, once again, the petitioner has filed the present contempt petition.



Cont.Petn.No.272 of 2021

Hence, he seeks for dismissal of the contempt petition, as it is not maintainable. He has also produced the copy of the order passed in the above said Contempt Petition No.2219/2014, dated 18.08.2014.

4. On perusal of the order passed in Cont.Petn.No.2219/2014, it reveals that the contempt petitioners 1 to 10, including the petitioner herein as 7th petitioner, had filed the above contempt petition. The learned Judge, considering the submission made by the learned Special Government, has observed as follows.

4. Today, when the contempt petition is taken up for hearing, the learned Special Government Pleader appearing for the respondents has produced the order passed by the third respondent in ROC No.13983/2013/A2 dated 13.08.2014 giving promotion to the 7th petitioner in compliance with the order passed by the learned single Judge.

5. The learned Special Government Pleader also submitted that even though the order dated 04.08.2014 and 13.8.2014 passed by the third respondent mention about the implementation of the order of this Court, subject to the result in Review Application SR No.47197/2014 and 47831/2014, those review applications were also dismissed on 14.08.2014, however, third party review application is pending. The said submission of the learned Special Government Pleader is recorded.

6. Inview of the said orders dated 04.08.2014 and 13.08.2014 respectively passed by the third respondent, giving promotion to the petitioners, the order of this court made in W.A.No.2216/2013, dated 03.04.2014 is



Cont.Petn.No.272 of 2021

complied with and the contempt petition is closed.

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5. From the above, it is clear that the petitioner was already promoted to the post of Assistant and the order passed in W.A.No.2216.2013, dated 03.04.2014 was already complied with. However, suppressing the above facts, the petitioner has filed the present contempt petition. Hence, we inclined to impose cost.

6. Accordingly, the petitioner is directed to pay a sum of Rs.5,000/- (Rupees five thousand) to the Tamilnadu State Legal Services Authority, High Court, Chennai.

7. With the above direction, this contempt petition is closed.

(D.K.K.J.)

(K.B.J.)

Internet: Yes/No
Index : Yes/No
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02.04.2024



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Cont.Petn.No.272 of 2021

D.KRISHNAKUMAR, J.
and
K. KUMARESH BABU, J.

mst

Contempt Petn. No.272 of 2021

02.04.2024