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Cont.P.No.1034 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

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THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Cont.P.No.1034 of 2024

Dr.S.Sivaraj Murugan

... Petitioner

Vs.

The Registrar,
Dr.R.Singaravel
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District – 608 002.

... Respondent

Prayer: Petition filed under Section 11 of Contempt of Courts Act, to initiate contempt proceedings for the willful disobedience and to punish the respondent herein for not complying with the direction of this Court dated 09.03.2023 made in W.P.No.7071 of 2023.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.Sithirai Anandan



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ORDER

The contempt petition is filed, to initiate contempt proceedings for the willful disobedience and to punish the respondent herein for not complying with the direction of this Court dated 09.03.2023 made in W.P.No.7071 of 2023.

2. Today, when the matter came up for hearing, learned counsel for the respondent would submit that by the order passed on 10.6.2024, the directions issued by this Court has been complied with.

3. The learned counsel for the petitioner would submit that the direction of this Court was to immediately apply his mind to the representation of the petitioner. It was further directed to pass final order on or before 31.08.2023. He neither immediately applied his mind nor passed orders on 31.08.2023 and the order is passed only on 10.06.2024. Therefore, the same is the first violation. Apart from the same, this Court also directed the respondent to pass a reasoned order on all the contentions raised by the petitioner on merits. On a perusal of the communication dated 10.06.2024, a reasoned order is not passed on the grounds which are raised by the petitioner. On that score also, the order is in violation. Thirdly, this Court



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had also directed him to give a personal hearing, in the event, the respondent is not satisfied with the requirement. The petitioner was not granted an opportunity of hearing. The contemnor should not have taken the decision without affording a personal hearing. Therefore, he would submit that the communication dated 10.06.2024 would not amount to compliance of the order of this Court in letter and spirit and therefore further action to be taken in the Contempt Petition.

4. I have considered the submissions made by the learned counsel for the petitioner and the learned counsel for the respondent.

5. As far as the first submission of the learned counsel for the petitioner, there is some merit. There is a delay on the part of the respondent. However, since the order has been passed on 10.06.2024, taking a lenient view, this Court spares action on the respondent on the said ground. As far as the second ground is concerned, the respondent had given the reasons that in view of the high power committee being constituted to go into the entire issue of the pay, the petitioner's request has not been considered for the present. Therefore, it cannot be stated that the direction in Clause No.(iv) is violated.



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Similarly, only if the respondent is not being satisfied with the requirements as mentioned in direction No.(ii), he is directed to give personal hearing. On a perusal of the impugned order, the request of the petitioner is not rejected in total. However, it is not been granted in view of the high power committee constituted by the higher education department.

6. In view thereof, I do not find any willful disobedience of the order. If the reasons contained in the order are erroneous and if the petitioner feels that the respondent ought to have granted the relief prayed in the representation, it would be open for the petitioner to challenge the order dated 10.06.2024, in the manner known to law.

7. With the above observations, this Contempt Petition is closed.

21.06.2024

Neutral Citation: Yes/No
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To

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The Registrar,
Dr.R.Singaravel
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District – 608 002.



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D.BHARATHA CHAKRAVARTHY, J.

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