



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 24.06.2024

Pronounced on : 31.07.2024

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

Contempt Petition No.1031 of 2019

C.Murugan

... Petitioner

Vs.

C.N.Maheswaran,
Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai,
Chepauk, Chennai – 600 005.

... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act for the non-compliance of the order dated 09.11.2017 passed by this Hon'ble Court in W.P.No.28604 of 2017.

For Petitioner : Mr.M.Radhakrishnan

For Respondent : Mr.J.Ravindran,
Additional Advocate General
for M/s.S.Mekahala,
Standing Counsel for TWAD Board



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ORDER

This contempt case has been filed alleging wilful disobedience of the order dated 09.11.2017 passed in W.P.No.28604 of 2014 and to punish the respondents.

2. This Court while disposing of the main Writ Petition by order dated 09.11.2017 passed the following order:-

“ This writ petition has been filed by the petitioner seeking for re-fixation of his pay and pension on the basis of the instructions issued by the first respondent in his Letter No.43350/WCE1/HO/2008 dated 13.12.2012 in respect of the fixation of pay for Electricians working in the TWAD Board, based on which the TWAD Board has also re-fixed the scale of pay of one Mr.R.Arunachalam, who was serving as Electrician in the TWAD Board. In view of the benefit given to similarly placed person, namely, Mr.R.Arunachalam, the petitioner also gave his representation to the first respondent to re-fix his pay similar to the Electricians working in the TWAD Board. As there was no response, he approached this Court with Writ Petition No.35134 of 2005 seeking issuance of a writ of



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certiorarified mandamus, to call for the records relating to the impugned order of the first respondent in Circular No.34/Ve.Ni.Oo-1/Tha.A/2005 dated 23.08.2005 and the order of the second respondent in proceedings No.12380/E5/05 dated 27.09.2005 and quash the same with a consequential direction to the respondents to restore the selection grade scale of pay already granted to the petitioner and grant all consequential benefits. During the pendency of the writ petition, a communication was issued to the petitioner on 30.7.2013 informing him to come to the respondents after withdrawing the pending writ petition. On receipt of the same, the petitioner also withdrew the writ petition on 22.3.2016. Yet the respondents, as promised, have not come forward to consider the case of the petitioner. Therefore, he has been advised to come before this Court.

2. The learned standing counsel for the respondents sought for eight weeks time to consider the case of the petitioner.

3. Since the petitioner has already come to this Court and withdrawn the writ petition on the advise of the respondents, the respondents are directed to



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consider the request of the petitioner, in the light of the instruction contained in Letter No.43350/WCE1/HO/2008 dated 13.12.2012, and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.”

3. As the respondents have not complied with the above order within the time stipulated by this Court, the petitioner approached this Court by filing the present contempt case. In response to the notice issued by this Court, the respondents filed a copy of the Letter No.28262/WCE/2017 dated 03.01.2018 contending that the respondents have complied with the order passed by this Court. However, this Court after having heard the learned counsel for the petitioner as well as Mr.J.Ravindran, learned Additional Advocate General came to the conclusion that the respondents have not complied with the order and accordingly passed the following docket order dated 11.06.2016:-

"Heard Mr.M.Radhakrishnan, learned counsel for the petitioner and Mr.J.Ravindran, learned Additional Advocate General appearing for the respondents at length.



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2. After hearing, this Court prima facie is of the view that the order passed by this Court is not complied with by the respondents in true spirit. Hence, post the matter under the caption "For Orders" on 24.06.2024 to afford an opportunity to the respondent contemnor to comply with the order passed by this Court in its strict sense. If the order is not complied with by that date, further orders would be passed."

4. It is thereafter the respondents issued proceedings bearing ந.க.எண்.11814/கோ.மீபி/வேநிஊ/2024/நாள் dated 14.06.2024 stated to be in compliance with the order passed by this Court and a copy of the same is also furnished to the learned counsel for the petitioner. The learned counsel for the petitioner after having gone through the said proceedings dated 14.06.2024 made an unsuccessful attempt to say that the respondents have not complied with the order and further contended that the respondents have failed to comply with the order within the time stipulated by this Court and therefore, the respondent is liable to be punished.

5. This Court after having gone through the proceedings dated



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14.06.2024 is convinced that the respondents have complied with the order dated 09.11.2017 passed by this Court, however not within the time stipulated by this Court. The order passed by this Court was as early as on 09.11.2017, but the said order is finally complied with by the respondents only by issuing proceedings dated 14.06.2024, i.e., after a lapse of 7 years. Such a delay on the part of the respondents cannot be said to be reasonable and on the other hand, the same only shows the negligence and carelessness of the respondent in complying with the orders passed by this Court. The respondents have complied with the order only after this Court recorded a *prima facie* finding that the respondents have not complied with the order. In all fairness, the respondents ought to have issued the proceedings like the one dated 14.06.2024 within the time stipulated by this Court in the year 2017 or atleast immediately thereafter. But it is only on the *prima facie* conclusion arrived at by this Court, the respondents have chosen to comply with the order by issuing proceedings dated 14.06.2024.

6. In the circumstances, taking into consideration that the respondents have already complied with the order passed by this Court though belatedly and also taking into consideration the complexity involved in the matter, is of



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the considered view that this is not a fit case where the respondent should be taken to task to impose a punishment under the provisions of the Contempt of Courts Act, 1971. However, this Court feels that the respondents should be warned not to act in future in the manner in which he acted in the instant case and to take all necessary steps to comply with the judicial orders passed by this Court in future. In case if any such negligence or lenience is noticed on the part of the respondent herein in future, the same would be viewed seriously by this Court. It is made clear that in case if the petitioner is aggrieved by the order dated 14.06.2024, he is at liberty to take appropriate steps in accordance with law.

7. Subject to the above observations, the Contempt Petition is closed.

No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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MUMMINENI SUDHEER KUMAR, J.

skr

Pre-Delivery Order made in
Contempt Petition No.1031 of 2019

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