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Contempt Petition No. 1706 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

Contempt Petition No. 1706 of 2024

R. Sivakumar

... Petitioner

Vs.

S.S. Rajhmohan,
The Managing Director,
Tamilnadu State Transport Corporation,
(Villupuram Division), 3/127, Salamedu,
Valuda Reddy (Post),
Villupuram – 605 602.

... Respondent

Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondent for wilfully disobeying the order of this Court in W.P. No. 34737 of 2018 dated 05.09.2022.

For Petitioner : Mr. P. Chandrasekaran
For Respondent : Mr. J. Ravindran, Senior Counsel
for Mr. M. Aswin, Standing Counsel

ORDER

This Contempt Petition has been filed complaining wilful disobedience of the respondent in implementation of the order dated 05.09.2022 in W.P. No. 34737 of 2018.



2. This Court directed the third respondent in the writ petition to offer temporary employment (sitting job) to the petitioner in Tiruvallur region, within a period of two weeks from the date of receipt of copy of that order in writ petition. On receipt of the said offer, the petitioner shall join duty, within a period of two weeks, thereafter. After joining duty, the petitioner shall be examined by a Medical Board, once again as directed by the second respondent. On being examined by the Medical Board nominated by the second respondent, the second respondent shall pass final orders on the petitioner's representation dated 30.05.2017 for permanent employment (sitting job) in Ponnerl Depot, Thiruvallur District, within a period of six weeks from the date of receipt of the Medical report received by the second respondent.

3. Learned counsel for the petitioner submits that though the petitioner was sent to medical examination to appear before the Medical Board on 20.09.2023 wherein, the petitioner was assessed 50% of disability, the respondent did not pass order to provide alternative employment on permanent basis till the filing of the contempt case.



4. Mr. J. Ravindran, learned Senior Counsel appearing on behalf of

Mr. M. Aswin, learned counsel for the respondent submits that the petitioner was provided alternative appointment on permanent basis on 19.08.2024 and accordingly, the order of the Court is complied with.

5. This Court is of the *prima facie* opinion that there is an abnormal delay in complying the order of this Court and accordingly, issued statutory notice for appearance of the respondent. Accordingly, one Mr. S.S. Rajmohan, Managing Director, Tamil Nadu State Transport Corporation, (Villupuram) Ltd, present before this Court. When this Court asked the respondent about the delay caused in implementing the order passed by this Court on 05.09.2022, the learned Senior Counsel would submit that due to administrative reasons, and to follow the procedure prescribed, this delay occurred and he further submits that the delay caused in this regard is neither wilful nor wanton and request the Court to take lenient view towards the respondent as already, the order has been complied with. The respondent is present before this Court has tendered unconditional apology for the delay caused in implementing the order.



Contempt Petition No. 1706 of 2024

6. Considering the facts and circumstances of the case and as already order is complied with and the petitioner has joined in the new post and he is getting all monetary benefits, accordingly, at this stage, in our considered view, it is not warranted to continue the contempt proceedings against the respondent.

7. Accordingly, this Contempt Petition is closed.

27.09.2024

Index :Yes/No

Neutral Citation: Yes/No

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BATTU DEVANAND,J.

AT

Contempt Petition No. 1706 of 2024

27.09.2024