



Contempt Petition No.1503 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2024

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Contempt Petition No.1503 of 2023

T.Thirunavukkarasu

.. Petitioner

Versus

R.Vasantha

.. Respondent

Prayer: Petition filed under Section 11 of the Contempt of Courts Act 1971 to punish the respondent for willfully disobeying the order dated 09.12.2022 in W.P. No.19273 of 2022 passed by this Court.

For petitioner : Mr.M.Silambarasan

For respondent : Mr.Chandramouli Prabhakar

ORDER

This Contempt Petition has been filed for the alleged disobedience of the order dated 09.12.2022 passed by this Court in W.P. No.19273 of 2022.



2.In the said order, this Court directed the third respondent in the said writ petition (Arulmigu Vanabadrakali Amman Thirukovil) to pass final orders in respect of the disciplinary proceedings initiated against the petitioner within a period of eight weeks from the date of receipt of the copy of the said order.

3.According to the petitioner, the order dated 09.12.2022 passed in W.P. No.19273 of 2022 has not been obeyed.

4.However, the learned Standing Counsel appearing for the respondent/contemnor would submit that even prior to the passing of the order on 09.12.2022 in W.P. No.19273 of 2022, which is the subject matter of this Contempt Petition, a Resolution was passed by the respondent on 29.11.2022, wherein the respondent had rejected the enquiry report submitted by the enquiry officer pertaining to the disciplinary proceedings initiated against the petitioner.

5.As seen from the typed set of papers filed by the respondent on 22.08.2023 in this Contempt Petition, they have also filed a copy of the



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letter dated 21.12.2022 sent by the respondent to the Joint Commissioner, Assistant Commissioner/Executive Officer informing them about the passing of the Resolution No.130/1432 dated 29.11.2022. In the typed set of papers, the letter sent by the respondent, communicating the Resolution No.130/1432 dated 29.11.2022 passed by the respondent, wherein the respondent has rejected the enquiry report, has also been filed.

6.However, the learned counsel for the petitioner, on instructions, would submit that till date, the petitioner has not received a copy of the Resolution No.130/1432 dated 29.11.2022, wherein the respondent has alleged to have rejected the enquiry report.

7.Since the petitioner through his counsel has categorically contended that the Resolution No.130/1432 dated 29.11.2022 was not served and only a copy of the letter dated 25.01.2023 sent by the respondent was served without the enclosure, this Court is of the considered view that no prejudice would be caused to the petitioner if the petitioner is allowed to challenge the Resolution No.130/1432 dated



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ABDUL QUDDHOSE, J.

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29.11.2022 passed by the respondent in the manner known to the petitioner under law by treating that the Resolution was received by the petitioner from this Court.

8.It is a settled position that the appointing authority can reject the enquiry report pertaining to any disciplinary proceeding. Since the Appointing Authority has rejected the enquiry report, the only remedy available to the petitioner is to challenge the Resolution passed by the respondent dated 29.11.2022 in the manner known to the petitioner under law. Therefore, there is no contempt made out against the respondent in this contempt petition.

9.Accordingly, this contempt petition is closed. However, liberty is granted to the petitioner to challenge the Resolution No.130/1432 dated 29.11.2022 passed by the respondent in the manner known to the petitioner under law.

11.03.2024

vga

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