



WEB COPY



Cont.P.No.3168 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.11.2024

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THE HON'BLE MR.JUSTICE BATTU DEVANAND

Cont.P.No.3168 of 2024

in

W.P.No.13452 of 2021

J.Dayalan

...
Vs.

Petitioner

1.Supriya Sahu.IAS

Principal Secretary

The Government of Tamil Nadu,

Forest and Environment Department,

Secretariat, Chennai – 600 009.

2.Subrat Mohapatra, I.F.S.

The Principal Chief Conservator of Forest,

Having Office at Panagal Maaligai,

Saidapet, Chennai – 600 015.

3.Somesh Soman, I.F.S.

The District Forest Officer,

Villupuram Division,

Villupuram.

4.Nedunchezian IAAS

The Accountant General of Tamil Nadu

Office at D.M.S.Compound,

Teynampet, Chennai – 600 018.

...

Respondents

PRAYER: Contempt petition has been filed under Article 11 of Constitution of India and Contempt of Court Act 1971 to punish the respondents for their willful and intentional disobedience of the order dated 06.06.2023 passed in W.P.No.13452 of 2021.



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For Petitioner	...	Mr.R.Rajesh Kumar
For Respondent Nos.1 to 3	...	Mr.J.Ravindran Additional Advocate General Assisted by Mr.S.Rajesh, Government Advocate
For Respondent No.4	...	Mr.V.Vijayashankar

ORDER

This contempt petition has been filed complaining the willful disobedience of the respondents in implementing the order dated 06.06.2023 in W.P.No.13452 of 2021.

2.While disposing the writ petition, this Court directed the respondents 1 to 3 to count 50% service of the petitioner as Plot Watcher on daily wage basis i.e. from 14.12.1984 to 06.08.2009 along with his regular service rendered as qualifying service for the purpose of calculating family pension and other monetary benefits i.e. SPF, leave salary etc., within a period of three weeks from the date of receipt of a copy of this order.



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3.This Court prima facie satisfied that the respondents failed to comply with the order of this Court dated 06.06.2023 in W.P.No.13452 of 2021 and accordingly, issued statutory notice to the respondents on 18.10.2024. In fact, in the order of this Court dated 06.06.2023, this Court issued a direction to the respondent Nos.1 to 3 only and there is no direction in respect of the 4th respondent. But the 4th respondent was impleaded in this contempt petition and this Court also by inadvertently issued statutory notice to the 4th respondent also. In fact, the 4th respondent has no role in implementing the order passed by this Court at present as no specific direction was issued to the 4th respondent. Initiating contempt proceedings against the 4th respondent is unwarranted. Accordingly, this contempt petition is dismissed against the 4th respondent.

4.In compliance of the statutory notice dated 18.10.2024, the respondents namely, Supriya Sahu, IAS, Subrat Mohapatra, I.F.S., Somesh Soman, I.F.S. and Nedunchezian, IAS., are present before this Court.

5.Mr.J.Ravindran, learned Additional Advocate General appearing for the respondent Nos.1 to 3 would submit that the order of this Court is



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complied with by issuing G.O.(2D) No.201, Environment, Climate Change and Forest (FR.2.ii) Department, dated 31.10.2023. He further submits that admittedly, there is a delay in implementing the order of this Court and requested the Court to take a lenient view towards the respondent Nos.1 to 3. The respondent Nos.1 to 3, who are present before this Court, tendered their unconditional apology for the delay caused in implementing the order of this Court.

6.Considering the facts and circumstances of the case and considering the submission of the learned counsel for the petitioner that the order of this Court is complied with, this Court intends to take a lenient view towards the respondent Nos.1 to 3 by accepting their unconditional apology.

7.For the reasons stated above, the contempt petition is closed. No costs.

8.The respondent Nos.1 to 3 are directed to be more cautious and vigilant in implementing the orders of this Court in future.

Index: Yes/No
Internet: Yes/No
sms

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- To
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Principal Secretary
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 2. Subrat Mohapatra, I.F.S.
The Principal Chief Conservator of Forest,
Having Office at Panagal Maaligai,
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BATTU DEVANAND,J.

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