



Cont.P.No.2762 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

Contempt Petition No.2762 of 2023

in

W.A.No.109 of 2013

1. R.M.Partheeban (Deceased)

2. P.Sakunthala

3. P.Boopathi

4. P.Saraswathi

5. P.Gowri

... Petitioners/ Appellants

Vs.

1. Raj Ganesh,
Assistant Director of Survey and Land Records,
Collectorate, Vellore, Vellore District - 632 009.



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2. M.Sivaprakasam,
Tahsildar, Tirupathur,
Vellore District,
Now Tirupathur District,
Pin - 635 601.

3. E.Thirunavukkarasu,
Commissioner, Municipal Office,
Tirupathur, Vellore District,
Now Tirupathur District,
Pin - 635 601.

4. K.Senthil Kumar,
Assistant Director of Survey and Land Records,
Tirupathur - 635 601.

5. P.Nagarajan,
Assistant Director of Survey and Land Records,
Collectorate, Vengikkal,
Tiruvannamalai District - 606 604.

... Respondents

Prayer : Petitions filed under Section 11 of the Contempt of Courts Act, 1971, to issue notice to the respondents and punish the respondents herein for willful disobedience of the direction of this Hon'ble Court in W.A.No.109 of 2013 dated 18.04.2022.

For the Petitioners : Mr.N.R.S.Ganesan

For the Respondents : Mrs.V.Yumuna Devi,
Special Government Pleader.



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ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The contempt petition has been instituted to punish the respondents for their willful disobedience of the order of this Court dated 18.04.2022, passed in Writ Appeal No. 109 of 2013.

2. The operative portion of the order of this Court reads as under:

“7. We are of the view that the appellant is entitled to all the benefits for the period from 09.03.1996 to 03.03.1997 and the appellant shall be regularised with all attendant monetary benefits and the entire period will be taken into account for the purpose of terminal and other benefits.

8. The monetary benefits shall be paid, after adjusting the amount already paid, if any, within a period of four months from the date of receipt of a copy of this order.

9. With the above observation, W.A.No.109 of 2013 is allowed.”



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3. The learned Special Government Pleader, relying on the affidavit filed by the respondent, would submit that the order has been implemented in its letter and spirit. In this regard, the 7th paragraph of the affidavit, filed by the respondents, reads as under:

“7. I further submit that the period from 09.03.1996 to 03.03.1997 was regularised as duty period and the for that period the salary amount of Rs.82,333/- had been debited in the Bank Account No.33009187155 on 14.03.2024 which owned P.Sagunthala W/o. Thiru. R.M.Partheeban (late) and the same was withdrawn by the individual on 30.04.2024 and the statement of the account details have been filed as typed set.”

4. We have perused the proceedings of the Assistant Director of Survey & Land Records, dated 05.04.2023, which would reveal that the intervening period from 09.03.1996 to 03.03.1997 was regularised as “Compulsory Wait” and the salary, due to the petitioner, has been calculated and settled in favour of



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his legal heirs.
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5. Since the period has been regularised, the said period is also to be taken into account for reckoning the qualifying services. That being the factum, the order passed by this Court has been complied with and the respondents have not committed any contempt willfully.

6. Thus, the contempt petition stands closed.

(S.M.S.J.) (C.K.J.)
26.06.2024

Index : Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
(sha)



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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

(sha)

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