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Cont.P.No.515 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

Contempt Petition No.515 of 2025

Dr.S.Subbiah, MS. Mch.,
Professor (Surgical Oncology),
Government Kilpauk Medical College/
Institute of Non-Communicable Diseases
and Government Royapettah Hospital,
Chennai. (Under Suspension)

...Petitioner

Vs.

1.Supriya Sahu, I.A.S.,
Additional Chief Secretary,
Health and Family Welfare (A-1) Department,
Fort St. George,
Chennai - 600 009.

2.Dr.J.Sangumani, M.D.,
The Director of Medical Education,
Kilpauk, Chennai - 600 010.

...Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, seeking to punish the respondents for having committed willful contempt and gross disobedience of the order in W.A.No.3034/2024 dated 23.10.2024.



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For Petitioner : Mr.S.Selvathirumurugan
For Respondents : Mr.J.Ravindran,
Additional Advocate General
assisted by Mrs.M.Senha,
Standing Counsel

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

Contempt Petition has been filed complaining disobedience of the order of the Division Bench dated 23.10.2024. Paragraph No.3 of the order reads as follows:-

3. After elaborate argument, both the counsel for the parties have agreed for the following terms:

i) Disciplinary proceedings shall be proceeded as against the appellant and the same shall be concluded within a period of twelve weeks from the date of receipt of a copy of this judgment.

ii) The appellant shall also co-operate for the enquiry.

iii) If any such delay in concluding the said disciplinary proceedings, the suspension order dated 24.06.2024 passed against the appellant shall be revoked.



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2. Claiming that the disciplinary proceedings have not been completed and as per the directions of the Division Bench, the suspension would stand revoked, the petitioner had filed this Contempt Petition.

3. After the Contempt Petition was listed for hearing on 17.02.2025 the respondents woke up and passed the order revoking suspension on 26.02.2025. In the order revoking suspension the petitioner has been addressed as Professor of Surgical Oncology (under suspension), Government Kilpauk Medical College/ Government Royapettah Hospital, Chennai. The suspension order does not explicitly state as to where he should joint duty.

4. When the petitioner wanted to join duty at Government Kilpauk Medical College, according to him, he was not permitted to join duty. Therefore, the petitioner would claim that there is a willful disobedience of the orders of this Court. It is not in dispute that the petitioner was transferred to Arignar Anna Memorial Cancer Research Institute, Kancheepuram on 19.06.2024 just prior to his suspension.



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5. The order of transfer was also challenged by the petitioner in W.P.No.17359 of 2024. The said Writ Petition was taken up along with other Writ Petitions, where the petitioner challenged disciplinary proceedings and the same was dismissed on 08.08.2024. The appeal filed by him against the order of transfer was disposed of by the Division Bench with the following observations:

5. Admittedly, the appellant is still under suspension. As already adverted to above, this writ appeal is filed against the order passed in W.P.No.17359 of 2024 which was filed by the appellant challenging the transfer order. When, admittedly, in the other writ appeal being W.A.No.3034 of 2024 which is filed challenging the order passed in W.P.No.17365 of 2024 which was filed challenging the appellant's suspension, the State has taken a stand that the disciplinary proceedings initiated against the appellant would be completed within a time framed. In view of the aforesaid order passed in the writ appeal, the present impugned order passed challenging the transfer order cannot be considered. It is open to the appellant, to make a request to the authorities concerned, who shall consider the same and pass appropriate orders subject to the order passed in the disciplinary proceedings. Therefore, the present Writ Appeal cannot be entertained.



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6. Mr.J.Ravindran, learned Additional Advocate General appearing for the respondents would submit that the petitioner will have to join at Arignar Anna Memorial Cancer Research Institute, Kancheepuram, since, he was already transferred to that post and after joining there, he can make a request to the Authorities for revocation of the said transfer, it will be considered in accordance with the directions of the Division Bench as above.

7. Recording the statement of the learned Additional Advocate General, the petitioner is required to join duty at Arignar Anna Memorial Cancer Research Institute, Kancheepuram forthwith.

8. This Contempt Petition stands closed with the above observations.

(R.S.M., J.) (G.A.M., J.)
05.03.2025

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Index : No
Neutral Citation : No
Speaking order



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