



Cont.P.No.1732 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Cont.P.No.1732 of 2025

G.Prem Kumar

.. Petitioner

Versus

1. T.G.Vinay, IAS,
Managing Director,
The Chennai Metropolitan Water Supply &
Sewerage Board, No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.
2. R.Rajakirubakaran,
General Manager,
The Chennai Metropolitan Water Supply &
Sewerage Board, rep. by its Board of Directors,
No.1, Pumping Station Road, Chintadripet,
Chennai - 600 002. .. Respondents

Prayer : Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the respondents herein for the willful act of disobedience of the order of this Court made in W.P.No.18071 of 2009, dated 13.04.2022.

For Petitioner : Mr.V.Jeyachandran

For Respondents : Mr.N.Paul Sunder Singh,
for C.M.W.S.S Board



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Cont.P.No.1732 of 2025

ORDER

This Contempt Petition is filed complaining willful disobedience of the order in W.P.No.18071 of 2009, dated 13.04.2022.

2. It is essential to extract the relevant portion of the order, by which the petitioner was granted relief and certain directions were given to the respondents, which is as follows:-

"21. However, it is seen that the petitioner has since superannuated from service. Therefore, the Writ Petition is allowed in the following terms:

(i) The impugned order dated 12.01.1996 passed by the second respondent and dated 12.07.2008 passed by the first respondent, are quashed.

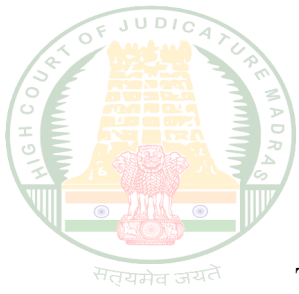
(ii) The respondents are directed to re~work the pay and allowances of the petitioner as if the order of with~holding of increments, was not there and accordingly determine his last drawn pay and retiral benefits.

(iii) The petitioner however, will not be entitled to actual arrears of pay till the date of service, but he will be entitled to arrears on the retiral benefits and pension from the date of superannuation on such revised pay.

(iv) The petitioner will not be entitled to any interest on the arrears of the amounts to be paid to him.

(v) The above exercise should be carried out within a period of two months from the date of receipt of a copy of this order.

There shall be no order as to costs in the present Writ Petition."



Cont.P.No.1732 of 2025

WEB COPY

Thus, it can be seen that the order of punishment and the appellate order were quashed and the respondents were directed to re-work the pay and allowances of the petitioner as if the order, withholding the increments, had not been made and accordingly, determine his last drawn pay and to pay only the arrears in the retirement benefits as well as the pension.

3. When the matter is taken up for hearing, the learned Counsel for the respondents produced the order, dated 06.02.2023 and submitted that the order has since been complied with.

4. The learned Counsel for the Petitioner would submit that the respondents have not fully complied with the order and the petitioner still has two grievances. It is his first contention that once the impugned order is quashed, his services become unblemished and therefore, a meritorious service certificate and a cash award have to be given to the petitioner, which have not been given. It is his second contention that even while re-working the pay, allowances were not taken into account and were not granted and therefore, the order has not been fully complied with. Therefore, this Court should proceed further with the Contempt Petition.



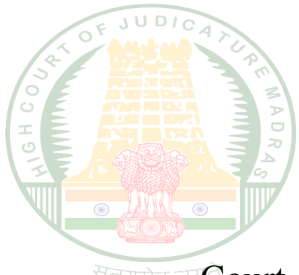
Cont.P.No.1732 of 2025

WEB COPY

5. Though I am in agreement with the contention of the learned Counsel for the petitioner that the Court would see whether substantially and in essence, the order has been complied with or not; for everything, there need not be a positive direction by this Court specifically; still, considering the overall facts and circumstances of the case, when the punishment order has been quashed and the respondents were directed to re-work the pay and allowances of the petitioner and accordingly, the revision of pay exercise has been carried out and the petitioner is granted the benefit of arrears as directed by the Court, I see no willful disobedience of the order of this Court.

6. Further, the learned Counsel for the respondents also disputes the other claims made by the petitioner. In view thereof, if according to the petitioner, he is entitled to any further benefits, including cash award, the same is left open to be agitated by way of appropriate fresh proceedings.

7. The argument of the learned Counsel for the petitioner is that in the communication, dated 17.10.2024, the respondents are saying that this



Cont.P.No.1732 of 2025

WEB COPY

Court has not fully exonerated, directly runs on the face of the order, whereby, this Court has quashed the order. There is no two opinion that this Court has held that the findings of the Disciplinary Authority and the Appellate Authority are perverse in nature and quashed the order of punishment as well as the Appellate Authority's order. It cannot be said that the petitioner is not fully exonerated. However, since the directions issued have been fully complied with giving liberty to the petitioner to agitate by way of appropriate proceedings for claiming any other additional benefit, this Contempt Petition shall stand closed.

16.06.2025

Neutral Citation : no
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Cont.P.No.1732 of 2025

D.BHARATHA CHAKRAVARTHY, J.,

grs

Cont.P.No.1732 of 2025

16.06.2025