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Cont.P.No.2978 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

Cont.P.No.2978 of 2024

K.Sengottuvel

...Petitioner

Vs

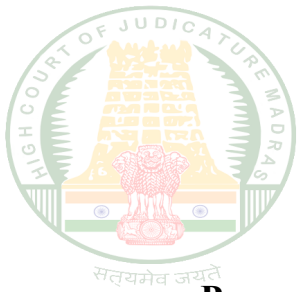
1.Mr.Har Sahay Meena
Principal Secretary to Government,
Department of Rural Development
and Panchayat Raj,
Fort St. George, Chennai – 600 009.

2.Mr.P.Ponniah,
The Director of Rural Development,
Panagal Building, Saidapet,
Chennai – 600 015.

3.Dr.R.Brindha Devi,
The District Collector,
Salem District, Salem.

4.Mrs.Malarvizhi,
The Commissioner,
Sankagiri Panchayat Union,
Sankagiri, Salem District.

...Respondents



Cont.P.No.2978 of 2024

Prayer: Contempt Petition filed under Section 11 of Contempt of Courts Act, to punish the respondents for willful disobedience of the order of this Court in W.P.No.25381 of 2017 dated 27.01.2022.

For Petitioner : Mr.P.Muthusamy

For R1 to R3 : Mr.Muthukumar,
Additional Advocate General
assisted by Mr.S.John J.Raja Singh,
Additional Government Pleader

For R4 : Mr.C.Selvaraj
Additional Government Pleader

ORDER

The prayer in the present petition is to punish the respondents for having committed contempt of Court by disobeying the order passed by this Court in W.P.No.25381 of 2017, dated 27.01.2022.

2. The order passed in W.P.No.25381 of 2017, dated 27.01.2022 is to the effect that in view of the law laid down by the Hon'ble Supreme Court in the case of *State of Punjab Vs. Rafiq Masih (White Washer)* reported in *(2015) 4 SCC 334*, the respondents cannot make any recovery of the excess payment made.



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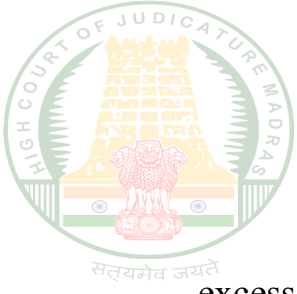
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3. The learned counsel for the petitioner submitted that no excess payment is being recovered from the petitioner, pursuant to the order of the Writ Court.

4. In view of the said submission, the disobedience alleged against the respondents cannot be termed to be willful in nature.

5. At this juncture, the learned counsel for the petitioner submitted that apart from the observations made in the order of the Writ Court, since it is stated that the Writ Petition is allowed, it would be construed that the entire prayer in the Writ petition stands allowed.

6. I do not agree with the said contention made by the learned counsel for the petitioner. While passing orders in the Writ Petition, I had only taken into consideration the grievance with regard to the recovery of excess payment made and by taking note of the fact that the petitioner is a Group-D employee, as well as the law laid down in *White Washer's case (supra)*, which makes it impermissible for the respondents to recover the



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excess payments, the order was restricted only to the portion of excess payment.

7. Accordingly, the Contempt Petition stands closed.

21.02.2025

Index:Yes/No

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To

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M.S. RAMESH,J.

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