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Cont. P. No.3281 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM:

THE HONOURABLE MR.**JUSTICE R.SUBRAMANIAN**

AND

THE HONOURABLE MR.**JUSTICE MOHAMMED SHAFFIQ**

Contempt Petition No.3281 of 2024

D.Joseph Jayadoss

... Petitioner

Versus

1. Thiru.D. Karthikeyan, IAS.,
The Principal Secretary,
Department of Municipal Administration and Water Supply,
Government of Tamil Nadu,
Secretariat, Fort St. George, Chennai 600 009.

2. Thiru. Tr.Abhaykumar Singh, IPS.,
The Directorate of Vigilance and Anti-Corruption,
293, MKN Road, Collectors Nagar,
Alandur, Chennai 600 016.

3. Thiru. D.Karthikeyan, IAS.,
The Commissioner of School Education,
College Road, Chennai 600 006.

... Respondents

PRAYER: Petition filed under Sections 11 of the Contempt of Courts Act, 1971, to punish the respondents for flouting the order passed in WP No.4774 of 2024 dated 27.02.2024 by this Court.



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For Petitioner : Mr.R.Karunagaran

For Respondents : Mr.S.Rajesh
Government Advocate, for RR1 & 3

Mr.M.Babu Muthumeeran,
Additional Public Prosecutor, for R2

ORDER

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

Complaining non-compliance with the order dated 27.02.2024, the petitioner has come up with this contempt petition.

2. The petitioner sought for criminal prosecution against the sixth respondent for commission of offences of misappropriation of School funds, criminal breach of trust, fabrication and manipulation of School records including salary disbursement records and attendance register pertaining to Kindergarten School Ayahs and siphoning away of their monthly salaries for personal gain and to take steps for recovery of the Government funds misappropriated by her.



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3. While the Additional Public Prosecutor placed before the Court the communication addressed by the Vigilance Commission dated 12.01.2022 recommending departmental disciplinary action against Mrs.Yasodhabai, the State Government Pleader had on instructions submitted that based on the recommendation necessary departmental/disciplinary action would be initiated against the sixth respondent forthwith. The said statement of the Government Pleader was recorded and the Writ Petition was disposed of.

4. When the petitioner issued a legal notice complaining non-compliance, Mr.Tr.Abhaykumar Singh, IPS, Director/Director General of Police, Directorate of Vigilance and Anti-Corruption, sent a reply stating that departmental action was taken against the sixth respondent and charges were framed against her under Section 17(b) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, 1955 and a **major** penalty of reduction in rank from senior rank to lower rank was already awarded to her. Therefore, there was no necessity to comply with the orders passed by the Division Bench. Recording the said statement, the Contempt Petition is



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closed.

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5. Since the Departmental enquiry had already been completed and concluded on 15.06.2022, the statement made by the Government Pleader apparently on instructions appears to be in correct as is the case in all other cases relating to the Government officials. This kind of wrong instruction being given to the Government Pleaders has become a habit of the Government officials today. We have to leave with this said condition as we deserve only that. Hence the contempt petition is closed.

(R.SUBRAMANIAN, J.) (MOHAMMED SHAFFIQ, J.)
24.01.2025

jv

Index: Yes/No

Speaking order/Non Speaking Order

Neutral Citation: Yes/No



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and

MOHAMMED SHAFFIQ, J.

jv

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