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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Petition No.496 of 2025
WP.No.27494 of 2024

J.Johnson Devakumar Jacob
Junior Engineer 1 Gr (under suspension)
No.30, 5th Street, A.P.Sivaraman Nagar
Panruti-607 106.

.. Petitioner

VS.

C.Jayachandran
The Superintending Engineer
CEDC/North/TANGEDCO
No.144, Anna Salai
Chennai 600 002.

.. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent under the Contempt of Courts Act, 1971 for her willful and wanton disobedience of the directions/orders, dated 21.08.2024 passed by this Court in W.P.No.24303 of 2024.

For Petitioner : Mr.V.Shenaz

For Respondents : Mr.P.Kumaresan
Additional Advocate General
Asstd. By:
Mr.David Sundar Singh
Standing Counsel

**ORDER**

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This Contempt Petition was filed on the ground that the order passed by this Court in W.P.No.24303 of 2024 dated 21.08.2024, was not complied with.

2.The respondent/contemnor was present at the time of hearing. An affidavit has been filed and the relevant portions are extracted hereunder:

3.I submit that this petitioner filed the original Writ Petition W.P.No.24303 of 2024 on 12.08.2024 and this Hon'ble Court passed order on 21.08.2024 but even before filing the Writ petition the petitioner was proposed to be removed from service on 01.06.2024 and the same was suppressed by the petitioner in the writ petition. The petitioner was proposed to be removed from service as per Memo No.114706/SE/CEDC/North/Adm.O/A.4/F. Removal/2024 dated dated 01.06.2025. Department Regulations vide Conviction judgement in Special SC.No.5/2009 dated 30.08.2023 by the Hon'ble CJM Chengalpattu. Further the order was confirmed and he was removed from service on 15.07.2025.

4.I submit that Regulation 60(1)(b) of the Provisional Pension. The Provisional Pension shall be authorized by the Audit Officer during the period commencing from the date of retirement to the date on which upon conclusion of the Departmental or Judicial proceedings final orders are passed by the competent



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authority. As per the regulation the employee is eligible to receive the provisional pension subject to the final order passed by the competent authority.

5.I submit that the petitioner was placed under suspension for the alleged commission of offence of demanding and receiving bribe. A criminal case was pending against him Special SC No.5/2009 is ended in conviction and against the order of conviction he has filed criminal appeal No.1041 of 2023 before the Hon'ble Madras High Court which is pending. The appellate court suspended the sentence of punishment but not the entire conviction and the appeal is still pending.

2.The learned Additional Advocate General appearing on behalf of the respondent submitted that even before the order was passed in the writ petition on 21.08.2024, the petitioner had been removed from service by an order dated 15.07.2024. The learned Additional Advocate General further submitted that as per regulation, the petitioner is only entitled for a provisional pension subject to the final order passed by the competent authority. The learned Additional Advocate General further submitted that in the appeal that was filed by the petitioner only the sentence was suspended but there was no stay of conviction and therefore, the petitioner was removed from service on 15.07.2024.



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N. ANAND VENKATESH, J.

KP

3. In the light of the above development, there is no further scope to deal with the contempt petition and accordingly, this contempt petition shall stand closed.

28.03.2025

Index: Yes/No
Speaking Order/Non-Speaking Order
KP

To

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The Superintending Engineer
CEDC/North/TANGEDCO
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