



CONT.P(MD)No.348 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.08.2025

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THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD)No.348 of 2023

and

SUB.A.(MD)No.274 of 2023

S.Rajan

... Petitioner

vs.

Dr.Poongothai,
Joint Director of Health Services,
Dindigul.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to summon 2nd respondent in the above Writ Petition and punish him for his wilful disobedience of the order passed by this Court in W.P. (MD)No.9842 of 2018, dated 27.04.2018.

For Petitioner

:Ms.Gokila Sandiya
for Mr.S.Sarvagan Prabhu

For Respondent

:Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.P.Thambidurai
Government Advocate



ORDER

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This Court, vide order, dated 09.07.2025, passed the following order:

“Heard Mr.S.Sarvagan Prabhu, learned counsel for the petitioner and Mr.P.Thambidurai, learned Government Advocate for the respondent.

2.The present Contempt Petition has been filed to punish the respondent/contemnor for non compliance of the judgment and order passed by this Court in W.P.(MD) No.9842 of 2018 dated 27.04.2018.

3.The Hon'ble Writ Court, vide judgment and order, dated 27.04.2018, was pleased to allow the said writ petition with the following directions:-

“7.The writ petition is allowed and the impugned order passed by the second respondent is set aside and the matter is remitted back to the second respondent to take note of the observations made in the order culled out from the original Service Register, verify the relevant proceedings and fix the proper Grade Pay and pass appropriate orders as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order. No costs.”

4.The learned counsel for the Petitioner submits that despite the judgment and order passed by this Court in W.P.(MD)No.9842 of 2018, dated 27.04.2018, the respondent has not complied with the directions of this Court and he has wilfully and deliberately flouted the order passed by this Court and is in contempt of the judgment and order of this Court dated 27.04.2018. Thus, he should be summoned and punished by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

5.Mr.P.Thambidurai, learned Government Advocate, who accepted notice on behalf of the respondent, prays this Court that a last opportunity may be given to the respondent to make compliance of the judgment and order dated 27.04.2018 and the respondent will file a compliance affidavit, annexing a decision taken by him on the next date of hearing fixed. 6.Mr.S.Sarvagan Prabhu, learned counsel for the petitioner has no objection to the aforesaid prayer made by the learned Government Advocate for the respondent.

7.Accordingly, after hearing the learned counsel for the



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parties, after perusal of the judgment and order made in W.P.(MD) No.9842 of 2018 dated 27.04.2018 and also considering the request made by the learned Government Advocate for the respondent/contemnor, as a last chance, this Court grants two weeks and no more further time to the respondent/contemnor to make full compliance of the directions issued by this Court in W.P.(MD) No. 9842 of 2018, dated 27.04.2018 and to file an affidavit of compliance in this regard, annexing a decision taken by him. The decision taken by the respondent shall also be communicated to the petitioner by the respondent through RPAD on or before the next date fixed. It is made clear that if the judgment and order, dated 27.04.2018, is not complied with, the respondent is directed to appear in person before this Court to justify his conduct and to justify as to why the judgment and order dated 27.04.2018 is not complied with and why contempt proceedings should not be initiated as against him.

8.Put up this case 'for orders' on 21.08.2025 before this Court. Let a copy of this order be issued to Mr.P.Thambidurai, learned Government Advocate for the respondent for its necessary compliance and information."

2.Today, when the matter is being taken up, Mr.Veera.Kathiravan, learned Additional Advocate General assisted by Mr.P.Thambidurai, learned Government Advocate for the respondent, in compliance of the order passed by this Court, dated 09.07.2025, produced a compliance affidavit along with a copy of an order, dated 18.07.2025 passed by the respondent and submits that the claim of the petitioner has been rejected. The order passed by the respondent, dated 18.07.2025 is taken on record. A copy of the order passed by the respondent has also been given to the



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learned Counsel for the petitioner. Thus, the learned Additional Advocate General submits that as the judgment and order passed by the Writ Court has been fully complied with by the respondent, the respondent may be discharged from the present contempt proceedings and the present Contempt Petition may be disposed of.

3.Ms.Gokila Sandiya, learned Counsel for Mr.S.Sarvagan Prabhu, learned Counsel for the petitioner submits that she has also received the compliance affidavit along with a copy of the order passed by the respondent, dated 18.07.2025, and on perusing the order of the respondent, she submits that the claim of the petitioner was rejected without considering the case of the petitioner and that the petitioner may be given some liberty to challenge the same before the competent Court of law and she has no objection that the present Contempt Petition may be disposed of.

4.After considering the arguments, as advanced by the learned Counsel for the parties and after perusal of the order passed by this Court in W.P.(MD)No.9842 of 2018, dated 27.04.2018 and the order passed by the respondent, dated 18.07.2025, this Court is also satisfied that the respondent



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had made fully complied with the directions issued by this Court and no useful purpose will be served in continuing the present contempt proceedings any further. Accordingly, the respondent is discharged from the present contempt proceedings and the present Contempt Petition is disposed of. If the petitioner is aggrieved by the order passed by the respondent, dated 18.07.2025, he may challenge the same before the competent Court of law. The file is consigned to record. No order as to costs. Consequently, connected Sub Application is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

21.08.2025

cmr

To

The Joint Director of Health Services,
Dindigul.



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SHAMIM AHMED, J.

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