



Contempt Petition (MD)No.587 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Contempt Petition (MD)No.587 of 2025

In

W.P.(MD)No.18048 of 2021

G.S.T.Joodhith Prince,
S/o.Gnanaprakasom,
Door No.4-48, Chithan Thoppu,
Chadayamangam,
Eraniel,
Kandanvillai Post,
Kanyakumari District.

Petitioner/Petitioner

Vs

1.Mrs.Supriya Sahu,
The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Environment, Climate Change and Forests (FR.8) Department,
Fort St.George,
Chennai - 600 009.

2.Mr.N.Satheesh,
The Managing Director,
Arasu Rubber Corporation Limited,
Vadaseri,
Nagercoil,
Kanyakumari District - 629 001.

Contemnors/Respondents

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, 1971, to punish the Contemnors/Respondents for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No.18048 of 2021, dated 03.09.2024.



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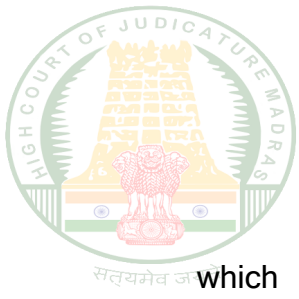
For Petitioner : Mr.C.Prithviraj
For Respondent : Mr.Veera Kathiravan
Additional Advocate General
Assisted by,
Mr.D.Sadiq Raja
Additional Government Pleader
For R-1
Mr.P.Thilak Kumar
Government Pleader
For R-2

ORDER

This is a petition seeking initiation of contempt proceedings against the Respondent for violation of the order, dated 03.09.2024 passed by this Court in W.P.(MD)No.18048 of 2021.

2. Heard Mr.C.Prithviraj, learned counsel for the Petitioner, Mr.Veera Kathiravan, learned Additional Advocate General assisted by, Mr.D.Sadiq Raja, learned Additional Government Pleader for the 1st Respondent and Mr.P.Thilak Kumar, learned Government Pleader for the 2nd Respondent.

3. Mr.Mr.C.Prithviraj, learned counsel for the petitioner, submits that the Petitioner is employed as Junior Drafting Officer in the office of the 2nd Respondent. The grievance of the Petitioner is that his scale of pay has not been fixed on par with Government servants. He made a representation to the 2nd Respondent seeking to fix his scale of pay on par with Government servants



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which has been rejected through the impugned order dated 20.04.2021.

Aggrieved over the same, the Petitioner filed a Writ Petition in W.P.(MD)No. 18048 of 2021. The learned Single Judge of this Court disposed of the aforementioned writ petition vide order dated 03.09.2024. For better appreciation, the relevant portion of the order dated 03.09.2024 in W.P.(MD) No. 18048 of 2021, is reproduced below:

“7.In the result, the impugned order dated 20.04.2021 passed by the second respondent is hereby quashed and the matter is remanded back to the respondents for fresh consideration on merits and in accordance with law in the light of the decision rendered by the Division Bench of this Court dated 23.12.2021, referred to supra. The second respondent is directed to submit a fresh proposal to the first respondent seeking for approval for fixation of the scale of pay of the petitioner based on the petitioner's earlier representation which has been rejected under the impugned order within a period of four [4] weeks from the date of receipt of a copy of this order on merits and in accordance with law, after giving due consideration to the judgment of the Division Bench of this Court dated 23.12.2021. On receipt of the said proposal from the second respondent, the first respondent shall pass appropriate orders within a period of three [3] months, thereafter.

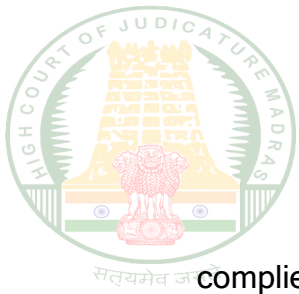
8.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed”



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4. The learned counsel for the petitioner further submits that, pursuant to the order passed by this Court, the petitioner submitted the certified copy of the judgment and order passed by this Court dated 03.09.2024 in W.P.(MD)No. 18048 of 2021, to the 2nd Respondent. Considering the observations made by this Court vide order dated 03.09.2024 in W.P.(MD)No.18048 of 2021, the 2nd Respondent submitted a fresh proposal for approval of fixation of the petitioner's scale of pay to the 1st Respondent on 25.10.2024. Despite more than three months having passed, the 1st Respondent/Principal Secretary to Government, Environment, Climate Change and Forests (FR.8) Department, Fort St. George, Chennai - 600 009, has not passed any orders on the proposal sent by the 2nd Respondent. Thus, the Respondents have not complied with the directions of this Court and they have wilfully and deliberately flouting the orders passed by this Court. Thus, the learned counsel submits that the Respondents have committed fraud upon this Court and are in contempt. He also submits that the Respondents may be summoned before this Court and punished for committing contempt by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

6. Upon perusing the judgment and order passed by this Court dated 03.09.2024 in W.P.(MD)No.18048 of 2021, as well as the affidavit filed in support of the contempt petition, which states that the Respondents have not



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complied with the orders of this Court, this Court is of the view that the Respondents appear to have wilfully and deliberately disobeyed the order of this Court. Consequently, this Court deems it necessary to initiate proceedings against the Respondents for their alleged non-compliance with the said order.

7. Mr.Veera Kathiravan, learned Additional Advocate General assisted by, Mr.D.Sadiq Raja, learned Additional Government Pleader for the 1st Respondent, requests that this Court grant the 1st Respondent a final opportunity to comply with the judgment and order passed by this Court 03.09.2024 in W.P.(MD)No.18048 of 2021. He submits that the matter is under consideration by the 1st Respondent and that some delay has been caused due to certain procedural formalities. However, he assures that the 1st Respondent shall take a decision without any further delay on the proposal sent by the 2nd Respondent regarding the approval of fixation of the petitioner's scale of pay, on par with Government servants and that orders shall be passed in accordance with the law. He assures this Court that whatever order is passed will be fully complied with and requests a period of six weeks to ensure compliance.

8. In view of the assurance given by Mr.Veera Kathiravan, learned Additional Advocate General assisted by, Mr.D.Sadiq Raja, learned Additional Government Pleader for the 1st Respondent, this Court grants the 1st



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Respondent a final opportunity to comply with the judgment and order passed by this Court dated 03.09.2024 in W.P.(MD)No.18048 of 2021, without fail, within six weeks from today. The 1st Respondent shall take an appropriate decision on the proposal submitted by the 2nd Respondent, pass a reasoned and speaking order on merits, and in accordance with law, after affording the petitioner an opportunity of hearing. The 1st Respondent shall communicate their decision to the Petitioner through Registered Post with Acknowledgement Due (RPAD) within two weeks from the date of passing the order.

9. In view of the above, the Contempt Petition is disposed of at this stage. The file shall be consigned to record. There shall be no order as to costs.

10. Let a copy of this order is given to Mr.Veera Kathiravan, learned Additional Advocate General assisted by, Mr.D.Sadiq Raja, learned Additional Government Pleader for the 1st Respondent and Mr.P.Thilak Kumar, learned Government Pleader for the 2nd Respondent, for its necessary compliance and information to the Respondents.

06.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

- 1.The Principal Secretary to Government,
The State of Tamil Nadu,
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- 2.The Managing Director,
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SHAMIM AHMED, J.

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