



CONT.P(MD)No.856 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.04.2025

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THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.856 of 2025

R.Suresh Kumar

... Petitioner

VS.

Shankar Jiwal,
The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai 600 004.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the contemnor/respondent for his wilful disobedience of the order made in W.P.(MD) No.26675 of 2019 dated 11.09.2024 on the file of this Court.

For Petitioner :Mr.S.C.Herold Singh

For Respondent :Mr.Veerakathiravan, AAG assisted by
Mr.P.Thambidurai
Government Advocate



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ORDER

This Contempt Petition has been filed for non compliance of the judgment and order passed by this Court in W.P.(MD) No.26675 of 2019, dated 11.09.2024.

2.Heard Mr.S.C.Herold Singh, learned counsel for the petitioner and Mr.Veerakathiravan, learned Additional Advocate General assisted by Mr.P.Thambidurai, learned Government Advocate for the respondent.

3.The Co-ordinate Bench of this Court, vide order, dated 11.09.2024 in W.P.(MD) No.26675 of 2019, had passed the following order:-

“5.Accordingly, this Writ Petition is disposed of by modifying the punishment of compulsory retirement to one of stoppage of increment for a period of two years without cumulative effect. Since the punishment has been modified as stated supra, the third respondent is directed to grant all service benefits and monetary benefits payable to the petitioner within a period of four months from the date of



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receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.”

4.The learned counsel for the Petitioner submits that despite the judgment and order passed by this Court in W.P.(MD)No.26675 of 2019, dated 11.09.2024, the respondent has not complied with the directions of this Court and he has wilfully and deliberately flouting the orders passed by this Court, dated 11.09.2024. Thus, the learned counsel submits that the respondent should be summoned and punished for committing contempt by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

5.Today, when the matter is taken up, Mr.Veerakathiravan, 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 11.09.2024 and 22.04.2025, has filed a compliance affidavit of the respondent, dated 28.04.2025, in which, in paragraph Nos.6 to 9, it has been clearly stated as follows:-



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“6.It is respectfully submitted that the Government in GO (2D) No. 123, Home (Police 2) Department, dated 25.04.2025 had modified the punishment of "Compulsory retirement imposed on Thiru R.Suresh Kumar, Deputy Superintendent of Police as Stoppage of increment for a period of two years without cumulative effect. Also the Government had directed the respondent to recover the monetary value equivalent to the amount of such increments from Thiru R.Suresh Kumar. Deputy Superintendent of Police, as per the second proviso to Rule 8(iii) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955.

7.It is respectfully submitted that the above said Government order was served to the petitioner on 26.04.2025.

8.It is respectfully submitted that the Government in their letter dated 25.04.2025 had also requested to calculate the exact monetary value equivalent to the amount of such increments and to recover the same from the petitioner.



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9.It is humbly submitted that in order to obey the Hon'ble Court order dated 11.09.2024 in WP (MD) No.26675 of 2019, the Superintendent of Police, Erode District was instructed to calculate the exact monetary value equivalent to the amount of such increments and to recover the same from the petitioner and also to grant the service and monetary benefits to the petitioner within a week time vide this office memorandum dated 26.04 2025."

6.The compliance affidavit filed by the respondent, dated 28.04.2025, is taken on record. A copy of the compliance affidavit has also been given to the learned counsel for the petitioner. The learned Additional Advocate General further assures this Court that whatever the retiral, services and monetary benefit payable to the petitioner will be paid to him within a period of four weeks from today without fail. Thus, he submits that the respondent may be discharged from the present contempt proceedings and the present Contempt Petition may also be



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disposed of.

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7.Mr.S.C.Herold Singh, learned counsel for the petitioner submits that he has received a copy of the compliance affidavit of the respondent, dated 28.04.2025. Thus, he has no objection to discharge the respondent from the present contempt proceedings, if the respondent pays whatever retiral, services and other monetary benefits to the petitioner within four weeks from today, as assured by the learned Additional Advocate General.

8.Accordingly, after considering the arguments advanced by the learned counsel for the parties and after perusal of the order passed by this Court in WP.(MD) No.26675 of 2019, dated 11.09.2024 and after perusal of the compliance affidavit of the respondent, dated 28.04.2025, especially paragraph Nos.6 to 9, this Court satisfied that the direction issued by this Court in W.P.(MD) No.26675 of 2019, dated 11.09.2024 has been fully complied with by the respondent and the money will be credited in the account of the petitioner within four weeks from today without fail as assured by the learned Additional Advocate General.



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Thus, no useful purpose will be served in continuing with the present contempt proceedings against the respondent.

9. Accordingly, the Contempt Petition is finally disposed of and the respondent is discharged from the present contempt proceedings. The file is consigned to record. No costs.

Index :Yes / No
Internet :Yes / No
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29.04.2025

To

The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai 600 004.



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SHAMIM AHMED, J.

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