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Contempt Petition (MD)No.829 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Contempt Petition (MD)No.829 of 2023

In

W.P.(MD)No.13464 of 2022

S.Mariyappan,
S/o.S.Sambasivam,
No.81, Shanthi Vinayagar Lane,
1st Gate, Thoothukudi District,
Thoothukudi - 628 002.

Petitioner/Petitioner

Vs

Mr.C.Dinesh Kumar,
The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi,
Thoothukudi District.

Contemnor/2nd Respondent

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, 1971, to punish the Contemnor/2nd Respondent for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No.13464 of 2022, dated 29.06.2022.

For Petitioner : Mr.S.Louis

For Respondent : Mr.N.Ananda Kumar
Standing Counsel



Contempt Petition (MD)No.829 of 2023

WEB COPY

ORDER

This is a petition seeking initiation of contempt proceedings against the Respondents for violation of the order, dated 29.06.2022 passed by this Court in W.P.(MD)No.13464 of 2022.

2. Heard Mr.S.Louis, learned counsel for the Petitioner and Mr.N.Ananda Kumar, learned Standing Counsel for the Respondent.

3. Mr.S.Louis, learned counsel for the petitioner, submits that the Petitioner had given a representation to the Respondent on 24.04.2021 seeking for payment of arrears of interest for the subscription amount deducted from the salary of the Petitioner towards the General Provident Fund while in service along with Dearness Allowance Arrears and the Vth Pay Commission Arrears and Revised Pay Commission Arrears. Since no action was taken by the Respondents to consider the representation, the Petitioner filed a Writ Petition in W.P.(MD)No.13464 of 2022. The learned Single Judge of this Court disposed of the aforementioned Writ Petition vide order dated 29.06.2022. For better appreciation, the relevant portion of the order is reproduced below:

“4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the



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Contempt Petition (MD)No.829 of 2023

petitioner's representation dated 24.04.2021 on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs."

4. The learned counsel for the Petitioner submits that, in compliance with this Court's order, the Petitioner has submitted representations dated 13.08.2022 and 20.11.2022, accompanied by a copy of the judgment and order passed by this Court on 29.06.2022 in W.P.(MD)No.13464 of 2022, to the Respondent. A copy of the acknowledgement receipt is also annexed to the paper book of the petition.

5. The learned counsel for the Petitioner further submits that despite the judgment and order passed by this Court dated 29.06.2022 in W.P.(MD)No. 13464 of 2022, the Respondent has 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 Respondent has committed fraud upon this Court and are in contempt. He also submits that the

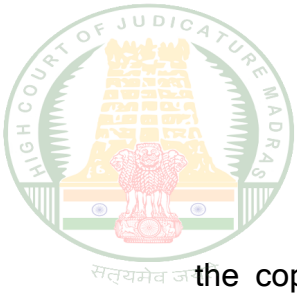


Contempt Petition (MD)No.829 of 2023

Respondent 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. Today, when the matter was taken up for hearing, Mr.N.Ananda Kumar, the learned Standing Counsel for the Respondent, produced an order dated 09.12.2024, passed by the Assistant Commissioner, Thoothukudi City Municipal Corporation, along with a compliance affidavit. He submits that the Respondent had considered the Petitioner's grievances as per his representation and paid a sum of Rs. 51,926/- (Rupees Fifty One Thousand Nine Hundred and Twenty Six only) to the Petitioner. Thus, the Respondent has complied with the Court's order dated 29.06.2022 in W.P.(MD)No.13464 of 2022 by paying the amount due to the Petitioner. A copy of the said order has been taken on record and furnished to the learned counsel for the Petitioner. Therefore, he prays that the Respondent be discharged from the contempt proceedings.

7. The learned counsel for the Petitioner submits that the Petitioner has received a sum of Rs.51,926/- (Rupees Fifty One Thousand Nine Hundred and Twenty Six only) fulfilling the direction issued by this Court vide judgment and order dated 29.06.2022 in W.P.(MD)No.13464 of 2022. He has also received



Contempt Petition (MD)No.829 of 2023

the copy of the order dated 09.12.2024. He further states that he has no objection to the Respondent being discharged from the contempt proceedings.

8. Considering the submissions made by the learned counsel for the Petitioner and the learned Standing Counsel for the Respondent, and upon perusal of the order passed by the Respondent dated 09.12.2024 along with the compliance affidavit, this Court is satisfied that the Respondent has fully complied with the judgment and order of this Court dated 29.06.2022 passed in W.P.(MD)No.13464 of 2022. In view of the same, this Court deems it appropriate that no useful purpose would be served by keeping the contempt proceedings pending. Therefore, the Respondent is discharged from the contempt proceedings at this stage.

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

11.03.2025

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



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Contempt Petition (MD)No.829 of 2023

SHAMIM AHMED, J.

Nsr

To:

The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi,
Thoothukudi District.

Contempt Petition (MD)No.829 of 2023

11.03.2025