



CONT.P(MD)No.1569 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.1569 of 2025

in

W.P.(MD) No.17089 of 2019

M.Arul Kumar (Under Dismissal)
Police Constable Grade-II, No.9/83 Amman Kovil
Street, Vadanathampatty Post, Sankaran Kovil
Taluk,
Tirunelveli District.

Petitioner

Vs

1. P.Dheerajkumar IAS
Additional Chief Secretary to Government ,
Home (Police-VI) Department,
Chennai-9

2. Shankar Jiwal I.P.S
The Director General of Police,
Chennai-4

3. N.Silambarasan I.P.S
The Superintendent of Police,
Tirunelveli,
Tirunelveli District.

Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the contemnors/respondents for the deliberate and wilful disobedience of the order dated 12.07.2021 passed by this Court in W.P.(MD) No.17089 of 2019.



CONT.P(MD)No.1569 of 2025

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For Petitioner :Mr.V.Karthick Raja for
M/s.Ajmal Associates

For Respondents :Mr.Veerakathiravan
Additional Advocate General assisted by
Mr.P.Thambidurai
Government Advocate

ORDER

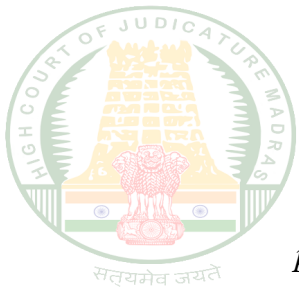
This is a petition seeking initiation of contempt proceedings against the Respondents for violation of the order, dated 12.07.2021 passed by this Court in W.P.(MD)No.17089 of 2019.

2.Heard Mr.V.Karthick Raja for M/S.Ajmal Associates learned counsel for the Petitioner and Mr.Veerakathiravan, learned Additional Advocate General assisted by Mr.P.Thambidurai, learned Government Advocate for the Respondents.

3.When the matter was taken up on 25.06.2025, this Court passed the following order:

“Heard Mr.V.Karthick Raja for M/S.Ajmal Associates appearing for the petitioner and Mr.P.Thambidurai, learned Government Advocate takes notice for the respondents. Therefore, no notice is required to be issued to the Respondents.

2.The present Contempt Petition has been filed to punish the respondents/contemnors for non compliance of the judgment and order



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CONT.P(MD)No.1569 of 2025

passed by this Court in W.P.(MD) No.17089 of 2019 dated 12.07.2021.

3.The Hon'ble Writ Court, vide judgment and order, dated 12.07.2021, was pleased to dispose of the writ petition bearing W.P.(MD) No.17089 of 2019 with the following directions:-

“9.As rightly contended by the learned Senior Counsel appearing for the petitioner that demanding and receiving bribe is a grave charge and it must be proved by acceptable evidence. The Honourable Apex Court in the Judgment reported in 2009 (12) SCC 78 [Union of India and others Vs. Gyan Chand Chattar] held that serious charges of bribe cannot be proved on mere probabilities and hearsay evidence. Further, in the Judgment reported in 2009 WLR 511 [K.Ramalingam Vs. The Superintendent of Police], this Court held that Enquiry Officer is not justified in relying on the statement obtained from the witnesses during the preliminary enquiry, which was not recorded in the presence of the delinquent employee and that the charges cannot be held proved only on the basis of the statement given during preliminary enquiry and whether charges are proved or not, is to be determined only on the basis of the statements made during the oral enquiry. The Judgments relied on by the learned Senior Counsel appearing for the petitioner are squarely applicable to the facts of the present case. The report of the Enquiry Officer holding that the charges levelled against the petitioner are proved, based on the statement recorded during the preliminary enquiry behind the back of the petitioner, is perverse. In view of the same, the punishment of dismissal imposed by the disciplinary authority relying on



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CONT.P(MD)No.1569 of 2025

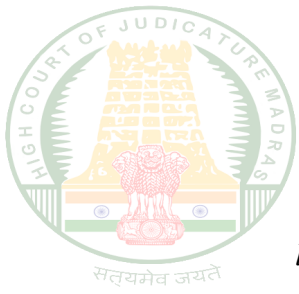
perverse report of Enquiry Officer is non-est in law and illegal. In view of the same, the order of the third respondent/disciplinary authority, dated 26.07.2016, imposing punishment order of dismissal is set aside and the order of the second respondent, dated 27.01.2018, confirming the punishment order of dismissal and the consequential rejection order passed by the first respondent, dated 20.03.2019, are erroneous.”

4.The learned counsel for the Petitioner submits that despite the judgment and order passed by this Court in W.P.(MD)No.17089 of 2019, dated 12.07.2021, the respondents have not complied with the directions of this Court and they have wilfully and deliberately flouted the order passed by this Court and are in contempt of the judgment and order of this Court dated 12.07.2021. Thus, they 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 respondents, prays this Court that a last opportunity may be given to the respondents to make compliance of the judgment and order dated 12.07.2021 and the respondents will file a compliance affidavit, annexing a decision taken by them on the next date of hearing fixed.

6.Mr.V.Karthick Raja for M/S.Ajmal Associates appearing for the petitioner has no objection to the aforesaid prayer made by the learned Government Advocate for the respondents.

7.Accordingly, after hearing the learned counsel for the parties, after perusal of the judgment and order made in W.P.(MD) No.17089 of 2019 dated 12.07.2021 and also considering the request made by the



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CONT.P(MD)No.1569 of 2025

learned Government Advocate for the respondents/contemnors, as a last chance, this Court grants 10 days and no more further time to the respondents/contemnors to make full compliance of the directions issued by this Court in W.P.(MD) No.17089 of 2019, dated 12.07.2021 and to file an affidavit of compliance in this regard, annexing a decision taken by them. The decision taken by the respondents shall also be communicated to the petitioner by the respondents through RPAD on or before the next date of hearing. It is made clear that if the judgment and order, dated 12.07.2021, is not complied with on or before the next date fixed, the respondents are directed to appear in person before this Court on the next date of hearing and justify as to why the judgment and order dated 12.07.2021 is not complied with and as to why contempt proceedings should not be initiated as against them.

8.Put up this case 'for orders' on 10.07.2025 before the appropriate Bench. Let a copy of this order be issued to Mr.P.Thambidurai, learned Government Advocate for the respondents for its necessary compliance and information.”

4.Today, when the matter was taken up, Mr.Veerakathiravan, learned Additional Advocate General assisted by Mr.P.Thambidurai, learned Government Advocate for the respondents submitted that the respondents had preferred a Writ Appeal bearing W.A.(MD)No.1812 of 2025 against the judgment and order passed by the learned Single Judge of the Writ Court dated 12.07.2021, in W.P.(MD)No.17089 of 2019. He further submitted that the Hon'ble Division Bench of this Court, vide judgment and order dated 03.07.2025, partly allowed the Writ Appeal, thereby modifying the judgment

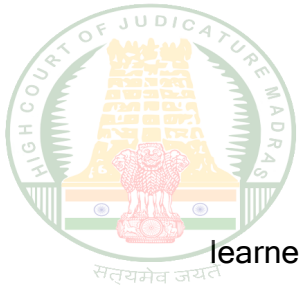


CONT.P(MD)No.1569 of 2025

and order of the learned Single Judge. He has produced a copy of the judgment and order made in W.A.(MD)No.1812 of 2025, dated 03.07.2025, before this Court, which is now taken on record and a copy of the same has also been given to the learned counsel for the petitioner.

5.The learned Additional Advocate General further submitted that the respondents are bound to comply with the judgment and order of the Writ Court dated 12.07.2021, in W.P.(MD)No.17089 of 2019 as well as the appellate Court in W.A.(MD)No.1812 of 2025, dated 03.07.2025 and requested ten weeks time from today to make compliance with the direction issued by the Appellate Court and assured that the respondents would communicate the decision taken by them to the petitioner. Therefore, he prayed that the respondents may be discharged from the present contempt proceedings and the contempt petition may also be disposed of.

6.Mr.V.Karthick Raja for M/S.Ajmal Associates learned counsel for the Petitioner submitted that the respondents had preferred a Writ Appeal in W.A.(MD)No.1812 of 2025 against the judgment and order passed by the learned Single Judge of the Writ Court dated 12.07.2021, in W.P.(MD)No. 17089 of 2019 and the Division Bench of this Court, vide judgment and order dated 03.07.2025, partly allowed the Writ Appeal, modifying the judgment and order of the learned Single Judge. He further submits that as assured by the

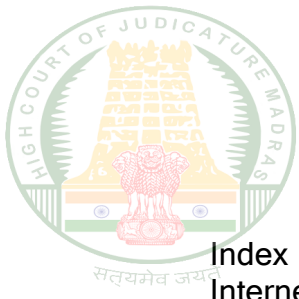


CONT.P(MD)No.1569 of 2025

learned Additional Advocate General that the Appellate Court's judgment would be complied with within ten weeks, he has no objection to discharge the respondents from the present contempt proceedings and prays this Court to dispose of the present contempt petition, accordingly.

7.Considering the submissions made by the learned counsel for the parties and after perusal of the order of the Writ Court dated 12.07.2021, in W.P.(MD)No.17089 of 2019 as well as the appellate Court in W.A.(MD)No. 1812 of 2025, dated 03.07.2025 and the assurance given by the learned Additional Advocate General to comply with the Appellate Court's judgment within ten weeks and communicate the decision to the Petitioner, this Court finds no useful purpose would be served in continuing the contempt proceedings. Therefore, this Court deems it appropriate to drop the contempt proceedings against the Respondents. Accordingly, the Respondents are discharged from the contempt proceedings at this stage.

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



CONT.P(MD)No.1569 of 2025

17.07.2025

Index :Yes / No
Internet :Yes / No

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To

1.Additional Chief Secretary to Government ,
Home (Police-VI) Department,
Chennai-9

2.The Director General of Police,
Chennai-4

3.The Superintendent of Police,
Tirunelveli,
Tirunelveli District.



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CONT.P(MD)No.1569 of 2025

SHAMIM AHMED, J.

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CONT.P(MD) No.1569 of 2025

17.07.2025