



Contempt Petition (MD)No.1549 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Contempt Petition (MD)No.1549 of 2024

In

W.P.(MD)No.3695 of 2005

S.Velumail,
S/o.Subbaiah,
Assistant Director(Rural Development/
Assistant Project Officer (Retired), (Tenkasi District),
85, Kasim Nagar 6th Cross Street,
Kamatchi Nagar 2nd Main Street,
K.T.C.Nagar, Palaiyamkottai,
Tirunelveli-627011.

Petitioner

Vs

1.G.Lakshmipathy,
The District Collector,
Thoothukudi District,
Thoothukudi.

2.K.Elambahavath IAS,
The District Collector,
Thoothukudi District,
Thoothukudi.

Respondents

(R2 is impleaded as per court dated 22.07.2025 in Cont.P.(MD).No.1549 of 2024)



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PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the Contemnors/Respondents herein for willfully disobeying the order of this Court dated 27.01.2011 in W.P.(MD).No.3695 of 2005.

For Petitioner : Mr.C.M.Mari Chelliah Prabhu

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by,
Mr.F.Deepak
Special Government Pleader

ORDER

Heard Mr.C.M.Mari Chelliah Prabhu, learned counsel appearing for the Petitioner and Mr.Veera Kathiravan, learned Additional Advocate General assisted by Mr.F.Deepak, learned Special Government Pleader, accepts notice on behalf of the Respondents. Therefore, no further notice is required to be issued to the Respondents.

2. This Court vide order dated 22.07.2025 passed the following order:

“Heard Mr.C.M.Mari Chelliah Prabhu, learned counsel appearing for the Petitioner and Mr.Veerakathiravan, learned Additional Advocate General, assisted by Mr.F.Deepak, learned Special Government Pleader accepts notice on behalf of the



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Respondent. Therefore, no further notice is required to be issued to the Respondent.

2. This Court vide order dated 18.07.2025 passed the following order:

- 1. "Mr.C.M.Mari Chelliah Prabhu, the learned counsel for the Petitioner submits that this Contempt Petition has been filed for non compliance of the judgement and order, dated 27.01.2011, passed by the Writ Court, in WP(MD)No.3695 of 2005.*
- 2. While allowing the WP(MD)No.3695 of 2005 on 27.01.2011, the Writ Court was pleased observe in paragraph 9 as under:-*
"19. In the result this Writ Petition is allowed leaving the parties to bear their own costs. the First Respondent/District Collector, Tuticorin, is directed to fix the Petitioner's correct seniority by placing him above the individual respondent Nos.2 to 28 and to draw a fresh list of Junior Assistant post seniority in respect of the year 1999 and to provide him with all necessary monetary benefits and all other service and attendant benefits thereto within a period of eight weeks from the date of receipt of



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a copy of this order. No costs. Consequently, connected MPs are closed.”

3. The learned counsel for the Petitioner submits that in spite of service of judgement and order, dated 27.01.2011, passed in WP(MD)No.3695 of 2005 to the 1st Respondent, even after lapse of more than 15 years from the date of the aforesaid judgement and order of the Writ Court, the 1st Respondent has not complied with the aforesaid judgement and order and the directions issued therein by the Writ Court till date and that the 1st Respondent has deliberately and wilfully flouted the aforesaid judgement and order of the Writ Court. Thus, the learned counsel for the Petitioner submits that the 1st Respondent is in contempt of the Court and hence, the 1st Respondent shall be summoned and punished, by this Court, by exercising powers conferred under Sections 11 and 12 of the Contempt of Courts Act.

4. The learned counsel for the Petitioner further submits that in view of the judgement, dated 29.10.2024, passed in WA(MD)No.1142 of 2023



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by the Division Bench of this Court, the Petitioner is also entitled for monetary benefits with interest at the rate of 12% p.a. from the date of the order of the Writ Court till the actual payment is made. The relevant portion of the said judgement dated 29.10.2024, passed in WA(MD)No.1142 of 2023 is extracted here under:-

“3. We see no reason to interfere with the order of the Writ Court. The authorities will approve the appointment of the 1st Respondent as Secondary Grade Teacher and also pay her salary and other attendant benefits with effect from the date of her appointment till date of payment within 12 weeks from the date of receipt of copy of this order. If the amount is not paid within 12 weeks, the authorities will pay 12% interest from the date of which the amount actually became due till the date of payment. No costs. Consequently, connected miscellaneous petition is closed.”

5. Mr.F.Deepak, the learned Special Government Pleader for the Respondents, who accepted notice on behalf of the Respondents, submits that a last opportunity may be given to the 1st Respondent to make compliance of the aforesaid



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judgement and order of the Writ Court, dated 27.01.2011 passed in WP(MD)No.3695 of 2005.

6. This Courts finds that even after lapse of more than 15 years from the date of the aforesaid judgement and order of the Writ Court, the 1st Respondent has not complied with the aforesaid judgement and order, dated 27.01.2011 and that 1st Respondent deliberately and wilfully flouted the aforesaid judgement and order of the Writ Court and he has no respect and honour to the aforesaid judgement and order of the Writ Court, dated 27.01.2011. Thus, the 1st Respondent is in contempt of the Court. Accordingly, the 1st Respondent herein, namely, Mr.G.Lakshmipathy, the District Collector, Thoothukudi District, is directed to appear in person before this Court on the next date fixed and justify as to why the judgement and order of the Writ Court, dated 27.01.2011 passed in WP(MD)No.3695 of 2005 has not been complied with till date and in this regard, he should also file a personal affidavit on the next date fixed.

7. Put up the case on 22.07.2025 before this Court.



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8. Let a copy of this order be given to Mr.F.Deepak, the learned Special Government Pleader for the Respondents forthwith.”

3. In compliance with the order dated 18.07.2025, Mr.Veerakathiravan, learned Additional Advocate General assisted by Mr.F.Deepak, learned Special Government Pleader for the Respondent submits that the judgment and order passed by the Writ Court dated 27.01.2011 in W.P.(MD)No.3695 of 2005 has been complied with.

4. Today, Mr.K.Elambahavath, I.A.S., currently serving as the District Collector of Tuticorin District and who has now been transferred in place of Mr.G.Lakshmiopathy, appeared before this Court. Mr.K.Elambahavath, District Collector, Tuticorin District, is hereby impleaded as the 2nd Respondent in the present contempt petition. He has also produced a compliance affidavit, along with a copy of the decision taken by him dated 20.07.2025, before this Court. A copy of the said order has been taken on record and has been furnished to the learned counsel for the Petitioner.

5. Mr.C.M.Mari Chelliah Prabhu, learned



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counsel for the Petitioner, has received a copy of the compliance affidavit along with the decision dated 20.07.2025, issued by the District Collector, Tuticorin District. He submits that he may be granted some time to file a reply to the affidavit filed by the District Collector, Tuticorin District.

6. Considering the submissions made by the learned counsel for the parties and upon perusal of the order dated 20.07.2025 passed by the District Collector, Tuticorin District along with the compliance affidavit and the request made by the learned counsel for the Petitioner, this Court grants two weeks and no more further time to the Petitioner to file reply to the affidavit filed by the District Collector, Tuticorin District.

*7. Put up this case on **21.08.2025** “For Further Orders” before this Court.*

8. The personal appearance of Mr.K.Elambahavath, District Collector, Tuticorin District is exempted by this Court until further orders.

9. Let a copy of this order be given to Mr.Veerakathiravan, learned Additional Advocate General and Mr.F.Deepak, learned Special Government Pleader, for necessary compliance



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and information to the Respondent. ”

3. Today, when the matter was taken up, Mr.Veera Kathiravan, the learned Additional Advocate General, assisted by Mr.F.Deepak, the learned Special Government Pleader, produced a compliance affidavit filed by 2nd Respondent dated 20.08.2025, annexing the relevant proceedings and submits that the Respondents have fully complied with the order of the Writ Court dated 27.01.2011 in W.P.(MD).No.3695 of 2005 as well as the Appellate Court dated 29.10.2024, passed in WA(MD)No.1142 of 2023. A copy of the said compliance affidavit has been taken on record and furnished to the learned counsel for the Petitioner. For better appreciation, the relevant paragraphs of the compliance affidavit filed by 2nd Respondent, are reproduced hereunder.

“5.The directions of the hon'ble Court have now been fully complied with as detailed below.

1.Seniority correction

The petitioner's seniority was revised and placed above private respondents 2 (thiru P.James Nirmal Rose) in the 1992 Assistant Seniority as follows:



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S. No.	Name	Seniority No.in the cadre of Assistant already fixed	Seniority No.in the cadre of Assistant revised
1.	S.Ulaganathan	268	268
2.	S.Velmail	--	268(A)
3.	P.James Nirmal Rose	269	269

.Consequent rectification was made in Extension Officer, Deputy Block Development Officer and Block Development Officer Panel in alignment with the date of eligibility of his juniors.

B.Notional promotions and monetary benefits as per proceedings No.VA3/10623/2022 dated 15.08.2025, the petitioner was granted notional promotion from Assistant up to BDO and the corresponding pay fixation was effected on par with his junior.

Monetary benefits were granted notionally from the date of assumption of charge in each post.

c.Further Action regarding Assistant Director Post

The petitioner had been appointed as Assistant Director, for which the Government is the appointing authority. In view of the directions of this Court and the consequential revision of seniority, a formal proposal has been forwarded to the commissioner of Rural Development and Panchayat Raj, requesting necessary



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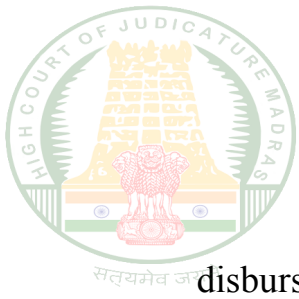
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action for updating seniority and issuing appropriate orders at the Government level vide this office letter No.VA3/10623/2023-23 dated 15.08.2025

6.I respectfully state that the entire directions of this Hon'ble Court have now been fully and faithfully implemented in letter and spirit. ”

4. Mr.C.M.Mari Chelliah Prabhu, learned counsel appearing on behalf of the Petitioner, has received a copy of the compliance affidavit filed by the 2nd Respondent and submits that the Respondents have fully complied with the order of the Writ Court dated 27.01.2011 in W.P.(MD).No.3695 of 2005 as well as the Appellate Court dated 29.10.2024, passed in WA(MD)No.1142 of 2023. The learned counsel for the Petitioner further submits that the Respondent may also be directed to pay the monetary benefits to the Petitioner forthwith.

5. The learned Additional Advocate General submits that once an order has already been passed by this Court, it is the duty of the Respondents to comply with the order, and thereafter, the Respondents may certainly consider the claim of the Petitioner in respect of monetary benefits. He also assures this Court that the monetary benefits would be

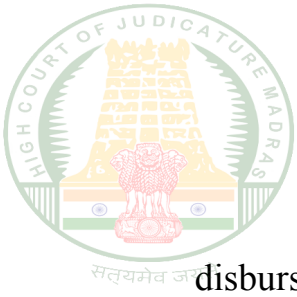


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disbursed, after completing other formalities, within a period of eight weeks from today.

6. Mr.C.M.Mari Chelliah Prabhu, learned counsel for the Petitioner submits that as assured by the learned Additional Advocate General that the monetary benefits will be granted to the Petitioner within a period of eight weeks from today, he has no objection to the Respondents being discharged from the contempt proceedings at this stage and the present Contempt Petition may be disposed of accordingly.

7. After considering the submissions made by the learned counsel for the parties and upon perusal of the judgments and orders passed by the Writ Court on 27.01.2011 in W.P. (MD) No. 3695 of 2005, the Appellate Court on 29.10.2024 in W.A. (MD) No. 1142 of 2023, as well as the compliance affidavit filed by the 2nd Respondent along with the relevant proceedings, this Court is satisfied that the Respondents have complied with the judgment and order of the Writ Court dated 27.01.2011 in W.P. (MD) No. 3695 of 2005. The learned Additional Advocate General has also assured that in respect of monetary benefits, the same will be



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disbursed to the Petitioner's account, within a period of eight weeks from today. In view of the assurance given by the learned Additional Advocate General, this Court deems it appropriate to dispose the present petition, as no useful purpose would be served by keeping them pending. Accordingly, the Respondents are discharged from the contempt proceedings at this stage.

8. In view of the above, the present Contempt Petition is **disposed of** at this stage with a direction to the Respondents to disburse the service and monetary benefits to the Petitioner within a period of eight weeks from today, without fail. The file shall be consigned to the record. There shall be no order as to costs.

21.08.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
vsg



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1.G.Lakshmipathy,
The District Collector,
Thoothukudi District,
Thoothukudi.

2.K.Elambahavath IAS,
The District Collector,
Thoothukudi District,
Thoothukudi.



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SHAMIM AHMED, J.

vsg

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