



CONT.P(MD)No.1635 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.1635 of 2022

in

W.P.(MD) No.1513 of 2017

A.Iyadurai,
Senior Inspector of Co-operative Societies (Retd),
No.211 H 27/4, Ramlakshmi Nagar,
Pasuvanthanai Road,
Kovilpatti,
Thoothukudi District. ... Petitioner

vs.

A.Shanmuga Sundaram IAS,
The Registrar of Co-operative Societies,
No.170, Periyar E.V.R.High Road,
Kelpauk, Chennai -10. ... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the respondent for the deliberate and wilful disobedience of the order dated 06.10.2021 passed by this Court in W.P.(MD) No.1513 of 2017.

For Petitioner :Mr.V.Karthikraja for
M/S.Ajmal Associates

For Respondent :Mr.Veerakathiravan
Additional Advocate General assisted by
Mr.F.Deepak
Special Government Pleader



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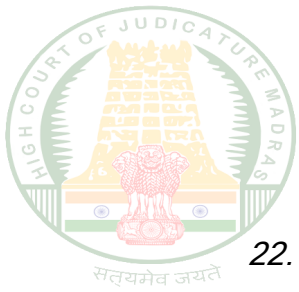
ORDER

This Contempt Petition has been filed to punish the contemnor/respondent for wilfully disobeying and not complying with the order of this Court passed in W.P(MD) No.1513 of 2017, dated 06.10.2021.

2.Heard Mr.V.Karthikraja for M/S.Ajmal Associates learned counsel for the petitioner and Mr.Veerakathiravan, learned Additional Advocate General assisted by Mr.F.Deepak, learned Special Government Pleader for the respondent.

3.The Hon'ble Writ Court, vide judgment and order dated 06.10.2021, had disposed of the aforesaid writ petition along with W.P.(MD) No.8691 of 2016 with the following directions:-

“15.Regarding W.P.(MD)No.1513 of 2017, this Court is of the view that the impugned order withholding the entire DCRG is illegal and arbitrary. Withholding of DCRG is due to the pendency of W.P.(MD)No. 8691 of 2016. Even if the re-fixation, as per the impugned orders in the first Writ Petition, is to be confirmed by this Court, the petitioner will not loose the entire DCRG, as the re-fixation is for a limited period and the difference will not be much, so as to deny the entire DCRG to the petitioner. It is also open to the respondents to deduct any portion of amount payable by way of pension, in case, the amount, that is now claimed by the petitioner should be reduced, as per the re-fixation of his pay in future. Hence, the impugned order of first respondent, dated



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22.11.2016 is quashed. Consequently, the respondents are directed to release the Death Cum Retirement Gratuity (DCRG) with interest in terms of Section 45-A of Tamil Nadu Pension Rules, 1978, within a period of eight weeks from the date of receipt of a copy of this order. It is open to the respondents to deduct or recover the amount, in case, the quantum of DCRG is reduced on account of re-fixation of pay of petitioner, as per the direction issued by this Court in W.P.(MD)No.8691 of 2016.

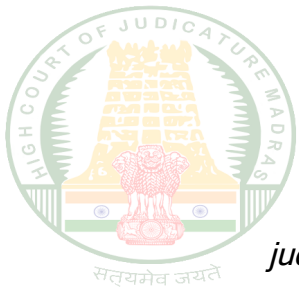
16. Accordingly, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed"

4. Thereafter, this Court, vide order dated 08.07.2025, had passed the following order:-

"Mr. Veerakathiravan, learned Additional Advocate General assisted by Mr. F. Deepak, learned Special Government Pleader for the respondent/contemnor, prays to grant some more time to go through the judgment and order passed by the Co-ordinate Bench of this Court dated 06.10.2021 made in W.P.(MD) No.1513 of 2017 and to make compliance of the same.

2. Mr. V. Karthik Raja for M/S. Ajmal Associates appearing the petitioner has no objection to the prayer made by Mr. Veerakathiravan, learned Additional Advocate General assisted by Mr. F. Deepak, learned Special Government Pleader for the respondent/contemnor.

3. Accordingly, as prayed for by Mr. Veerakathiravan, learned Additional Advocate General assisted by Mr. F. Deepak, learned Special Government Pleader for the respondent/contemnor, a further period of 10 days time is granted to make compliance of the



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judgment and order passed by this Court in W.P.(MD) No.1513 of 2017, dated 06.10.2021, without fail.

4.Put up this case on 17.07.2025 "For Final Hearing" before this Court. Let a copy of this order be given to Mr.F.Deepak, learned Special Government Pleader for information and its necessary compliance."

5.Mr.V.Karthikraja for M/S.Ajmal Associates learned counsel for the petitioner submits that challenging the judgment and order passed in W.P. (MD) Nos.8691 of 2016 and 1513 of 2017, dated 06.10.2021, the respondent has preferred appeals in W.A.(MD) Nos.706 and 707 of 2023, before this Court, which was dismissed by the Hon'ble Division Bench of this Court, vide judgment and order, dated 05.06.2023.

6.Thus, the learned counsel for the petitioner submits that in spite of the dismissal of the Writ Appeals, the respondent has not complied with the directions issued by this Court in W.P.(MD) No.1513 of 2017, dated 06.10.2021. Thus, being no other alternative, the present Contempt Petition has been filed with the prayer that the respondent/contemnor has wilfully and deliberately flouted the order passed by this Court and is in contempt of the judgment and order of this Court dated 14.11.2014. Thus, he should be summoned and punished by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.



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7.Today, when the matter is taken up, Mr.Veerakathiravan, learned Additional Advocate General assisted by Mr.F.Deepak, learned Special Government Pleader for the respondent has filed an affidavit of compliance of the respondent, dated 11.07.2025, annexing a copy of the Government Order made in G.O.(D) No.51, Co-operation, Food and Consumer Protection (CH1) Department, dated 04.03.2024 as well as the decision taken by the respondent, dated 25.03.2024 along with the payment details, in which it has been stated that the direction issued by the Writ Court in W.P.(MD) No.1513 of 2017, dated 06.10.2021, as well as the appellate Court in W.A.(MD) Nos. 706 and 707 of 2023, dated 05.06.2023, has been fully complied with and the entire monetary benefit has been paid to the legal heir of the petitioner, as the petitioner died on 14.03.2024 during the pendency of the present contempt petition and no amount is due to the petitioner.

8.In paragraph Nos.5 and 6 of the compliance affidavit, the aforesaid fact has been clearly stated, which reads as under:-

“ 5. I further submit that therefore, in compliance of the order passed by this Hon'ble Court, the Accountant General has authorised the payment of DCRG amounting to Rs.3,30,687/-v ide his letter dated 17.05.23 and the Government have also passed orders through Government Order (D).No.51, CF& CP dept (CH 1) dated 04.03.2024 sanctioning an interest amount of Rs.2,77,454/- for the belated payment of DCRG amounting to Rs.3,30,867/- and as



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the pensioner was deceased on 14.03.24 the interest amount of Rs. Rs.2,77,454/- was sanctioned to petitioner's son Thiru I.Aathi Sukan vide Registrar's letter, RC.2328/2016/P1 dated 25.03.2024, and the same was drawn and disbursed to Thiru Aathi Sukan's account through ECS on march 2024 itself, after obtaining No Objection Certificates from the other legal heirs.

6. I further submit that thus the order made in W.P.(MD).No. 1513 of 2017 dated 06.10.2021 & the order made in Cont.P.(MD) No.1635/2022 are fully complied with in true letter & spirit in compliance of the above orders”

9.A copy of the compliance affidavit filed by the respondent, dated 11.07.2025 has been produced 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.

10.Thus, the learned Additional Advocate General assisted by Mr.F.Deepak, learned Special Government Pleader for the respondent submits that the respondent may be discharged from the present contempt proceedings, as the judgment and order of the Hon'ble Writ Court in W.P. (MD) No.1513 of 2017, dated 06.10.2021 and the appellate Court in W.A. (MD) Nos.706 and 707 of 2023, dated 05.06.2023 as well as this Court in Cont.P.(MD) No.1635 of 2022, dated 08.07.2025, has been fully complied with by the respondent, vide order dated 25.03.2024 and the present



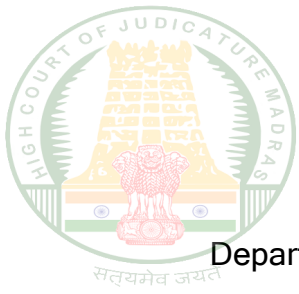
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Contempt Petition may also be disposed of, accordingly.

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11.Mr.V.Karthikraja for M/S.Ajmal Associates learned counsel for the petitioner submits that he has received a copy of the compliance affidavit filed by the respondent, dated 11.07.2025, annexing a copy of the Government Order made in G.O.(D) No.51, Co-operation, Food and Consumer Protection (CH1) Department, dated 04.03.2024 as well as the decision taken by the respondent, dated 25.03.2024 along with the payment details and has no objection, if the respondent is discharged from the contempt proceedings, as the judgment and order of this Court dated 06.10.2021, 05.06.2023 and 08.07.2025 has been complied with by the respondent, vide order dated 25.03.2024. He further submits that the entire monetary benefit due to the petitioner has already been paid to the legal heir of the petitioner, as the petitioner died on 14.03.2024 during the pendency of the present contempt petition and as of now, no amount is due to the petitioner.

12.Accordingly, in view of the submissions made by the learned counsels for the parties and after perusal of the judgment and order made in W.P.(MD) No.1513 of 2017, dated 06.10.2021 and in W.A.(MD) Nos.706 and 707 of 2023, dated 05.06.2023 and the compliance affidavit filed by the respondent, dated 11.07.2025, annexing a copy of the Government Order made in G.O.(D) No.51, Co-operation, Food and Consumer Protection (CH1)



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Department, dated 04.03.2024 as well as the decision taken by the respondent, dated 25.03.2024 along with the payment details and also considering the fact that the entire monetary benefit has already been paid to the legal heir of the petitioner, as the petitioner died on 14.03.2024 during the pendency of the present contempt petition, this Court satisfied that the direction issued by this Court in W.P.(MD) No.1513 of 2017, dated 06.10.2021 has been fully complied with by the respondent and thus, no useful purpose will be served in continuing the present contempt proceedings against the respondent.

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

Index :Yes / No
Internet :Yes / No

17.07.2025

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To

The Registrar of Co-operative Societies,
No.170, Periyar E.V.R.High Road,
Kelpauk, Chennai -10.



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SHAMIM AHMED, J.

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