



CONT.P(MD)No.2134 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.2134 of 2023

in

W.P.(MD) No.16530 of 2014

Muthuramalingam

... Petitioner

vs.

1.Supriya Sahu IAS,
Secretary to Government,
Finance (Pension) Department,
Fort St.George,
Chennai 9.

2.Dr.Sudhanshu Gupta IFS,
The Principal Chief Conservator of Forests,
Panagal Building,
Chennai 15.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the respondents for having wilfully disobeying the order of this Court passed in in W.P.(MD) No.16530 of 2014, dated 12.08.2022.

For Petitioner :Mr.G.Chandrasekar

For Respondents :Mr.D.Sadiq Raja
Additional Government Pleader



CONT.P(MD)No.2134 of 2023

ORDER

WEB COPY This Contempt Petition has been filed with the prayer that the respondents/contemnors have not complied with the judgment and order passed by this Court in W.P.(MD) No.16530 of 2014, dated 12.08.2022.

2.Heard Mr.G.Chandrasekar, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, for the Respondents.

3.The Co-ordinate Bench of this Court in W.P.(MD) No.16530 of 2014, vide order dated 12.08.2022, had passed the following order:-

"13.In the result

"This Writ Petition is allowed and the respondents are directed to absorb the petitioner in the post of regular Forest Watcher from the date of his immediate juniors, who were absorbed in the post of Forest Watcher and pay all consequential benefits to the petitioner from the date of absorption. The respondents are granted twelve weeks time to pass orders as indicated above."

4.The learned counsel for the Petitioner submits that despite the judgment and order passed by this Court in W.P.(MD) No.16530 of 2014, dated 12.08.2022, the respondents have not complied with the directions of this Court and have wilfully and deliberately flouted the order passed by this Court, dated 12.08.2022 and are in contempt of the judgment and order of



CONT.P(MD)No.2134 of 2023

this Court. Thus, they should be summoned and punished 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.D.Sadiq Raja, learned Additional Government Pleader for the respondents, submits that challenging the judgment and order, dated 12.08.2022, the respondents have preferred an appeal in W.A.(MD) No.113 of 2024, which is pending before this Court. He further submits that the Hon'ble Division Bench of this Court, vide order dated 07.02.2024, has granted an order of interim stay in C.M.P.(MD) No.976 of 2024 as follows:-

“There shall be an order of interim stay only in respect of payment of arrears of Bank wages. It is made clear that there is no interim order in respect of regularization of the services of the respondent/writ petitioner and the same will be subject to the outcome of this writ appeal.”

6.However, in compliance of the order passed by the Writ Court, dated 12.08.2022 in W.P.(MD) No.16530 of 2014, the respondents have filed a counter affidavit, dated 18.04.2024, annexing a copy of the Government Order made in G.O.(2D) No.16, Environment, Climate Change and Forest (FR.2.(ii)) Department, dated 24.01.2024, in which it has been stated that the judgment and order passed by this Court in W.P.(MD) No.16530 of 2014, dated 12.08.2022 has been complied with. The counter affidavit filed by the



CONT.P(MD)No.2134 of 2023

respondents is taken on record and a copy of the same has also been given to the learned counsel for the petitioner.

7.The learned Additional Government Pleader further submits that the respondents have regularized the services of the petitioner as Forest Watcher notionally by relaxing Rule 2, 4 and 5 of Tamil Nadu Forest Subordinate Service in respect of method of appointment, age and other qualifications and the petitioner is not entitled to any monetary benefits, but he is entitled for counting of the service for the purpose of pension and other retirement benefits as per the provisions enshrined in Rule 27(17) of the Fundamental Rules of Tamil Nadu Government, however, subject to the outcome of W.A. (MD) No.113 of 2024. Thus, he submits that the respondents may be discharged from the present contempt proceedings, as the judgment and order of this Court dated 12.08.2022 has been fully complied with.

8.Mr.G.Chandrasekar, learned counsel for the petitioner submits that he has received a copy of the counter affidavit of the respondents, dated 18.04.2024 along with a copy of the Government Order made in G.O.(2D) No. 16, Environment, Climate Change and Forest (FR.2.(ii)) Department, dated 24.01.2024 and submits that the respondents have made part compliance of the judgment and order passed by this Court in W.P.(MD) No.16530 of 2014, dated 12.08.2022.



CONT.P(MD)No.2134 of 2023

WEB COPY 9.He further submits that the petitioner's service as Forest Watcher was regularized by the respondents and the petitioner is entitled for counting of the service for the purpose of pension and other retirement benefits as per the provisions enshrined in Rule 27(17) of the Fundamental Rules of Tamil Nadu Government, however, subject to the outcome of W.A.(MD) No.113 of 2024. Thus, he submits that he has no objection, if the respondents are discharged from the present contempt proceedings, as the judgment and order of this Court dated 12.08.2022 has been partly complied with and the present Contempt Petition may also be disposed of.

10.Accordingly, in view of the submissions made by the learned counsel for the parties, after perusal of the judgment and order passed in W.P.(MD) No.16530 of 2014, dated 12.08.2022 and in C.M.P.(MD) No.976 of 2024 in W.A.(MD) No.113 of 2024, dated 07.02.2024, and after perusal of the counter affidavit filed by the respondents as well as the Government Order in G.O.(2D) No.16, Environment, Climate Change and Forest (FR.2.(ii)) Department, dated 24.01.2024, this Court satisfied that the direction issued by this Court in W.P.(MD) No.16530 of 2014, dated 12.08.2022 has been partly complied with by the respondents and there is no justification in continuing the present contempt proceedings against the respondents at this stage.



CONT.P(MD)No.2134 of 2023

WEB COPY 11. Accordingly, the Contempt Petition is finally disposed of and the respondents are discharged from the present contempt proceedings at this stage. It is made clear that the payment of arrears of back wages to the petitioner is subject to the outcome of W.A.(MD) No.113 of 2024. The file is consigned to record. No costs.

Index :Yes / No
Internet :Yes / No
mm

02.07.2025

To

1. Secretary to Government,
Finance (Pension) Department,
Fort St. George,
Chennai 9.

2. The Principal Chief Conservator of Forests,
Panagal Building,
Chennai 15.



WEB COPY



CONT.P(MD)No.2134 of 2023

SHAMIM AHMED, J.

mm

CONT.P(MD) No.2134 of 2023

02.07.2025