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CONT P(MD) NO. 76 of 2
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-07-2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED



CONT P(MD) No. 76 of 2024

in

W.P.(MD) No.7889 of 2010

K.Pandian

S/o. Karuppaiya, kandiamman Koil Street, Bodi Meenakshipuram,
Theni District.

Petitioner

Vs

1. Chandrasekar

The Chief Engineer (General),
Highways Department,
Chennai-05.

2. Ramesh,

The Divisional Engineer,
Highways Department,
Theni.

3. E. Murugesan,

The assistant Divisional Engineer,
Highways Department,
Bodinayakanur,
Theni District.

Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the contemnors/respondents for their wilful deliberate disobedience of the order of this Court in W.P.(MD) No.7889 of 2010, dated 20.06.2019.

For Petitioner(s):

Mr.Jawahar Srinath for
Mr.M.Gnana Guru Nathan



For Respondents:

Mr.P.Thambidurai
Government Advocate For Respondents

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ORDER

This Contempt Petition has been filed to punish the contemnors/respondents for wilfully disobeying and not complying with the order of this Court passed in W.P(MD) No.7889 of 2010, dated 26.09.2019.

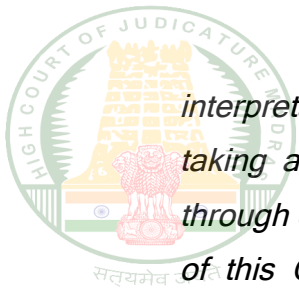
2.Heard Mr.Jawahar Srinath, learned counsel representing Mr.M.Gnana Guru Nathan, learned counsel for the petitioner and Mr.P.Thambidurai, learned Government Advocate for the respondents.

3.This Court, vide order dated 16.07.2025, had passed the following order:-

“Heard Mr.M.GnanaGurunathan, learned counsel appearing for the Petitioner and Mr.P.Thambidurai, learned Government Advocate 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 02.07.2025 passed the following order:

“2. This Contempt Petition has been filed for non compliance of the judgment and order dated 26.09.2019 passed in W.P. (MD)No.7889 of 2010 and the learned Single Judge of this Court disposed of the said Writ Petition in the following terms: “8. As a result, this writ petition is disposed of with the cost of Rs.5,000/- payable by the respondents. The respondents are directed to promote the petitioner to the post of Road Inspector Grade-II, forthwith and such promotion shall take effect considering the seniority list prepared for 2007- 2008. The respondents are also directed to give all the monetary benefits apart from placing the petitioner suitably in the seniority list in the post of Road Inspector Grade-II. It is open to the State to hold an enquiry against the respondents or anyone, who is responsible for the wrong

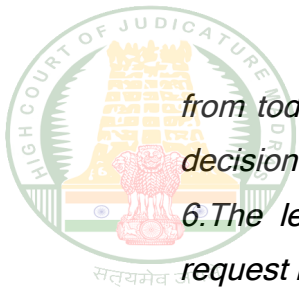


interpretation of the order passed by this Court in the earlier round of litigation a taking a stand, as it is reflected in the counter affidavit filed by the respondents, through one M.A.Manikandan, then Divisional Engineer (H) Theni. In case the direction of this Court as per order in the writ appeal in W.A.(MD)No.143 of 2010, dated 02.03.2010, is not obeyed within a period of two weeks from the date of receipt of a copy of this order, the petitioner shall be paid a further sum of Rs.1,00,000/- for the agonies he had undergone for all these years in pursuing the second round. The writ petition is disposed of accordingly.”

3.Today, when the matter is being taken up, Mr.P.Thambidurai, learned Government Advocate for the Respondents produced an order dated 22.10.2019 issued by the 2nd Respondent/Divisional Engineer, Theni and submits that the promotion on the post of Road Inspector Grade-II has been granted to the Petitioner since 01.10.2008 onwards and was paid salary with effect from 23.10.2019. Thus, he submits that the judgment and order passed by the Writ Court dated 26.09.2019 in W.P.(MD)No.7889 of 2010 is complied with.

4.Mr.M.GnanaGurunathan, learned counsel for the Petitioner, submits that the judgment and order passed by the Writ Court dated 26.09.2019 in W.P.(MD)No.7889 of 2010 has not been fully complied with. Although the Respondents have passed the order dated 22.10.2019 granting promotion to the Petitioner as per the direction of the Writ Court, monetary benefits have not been paid from 2008 onwards till 2019. Thus, the arrears are to be paid by the Respondents as per the direction issued by this Court in W.P.(MD)No.7889 of 2010 dated 26.09.2019. Thus, he submits that the Respondents have not complied with the directions of the Writ Court and they have wilfully and deliberately flouting the orders passed by the Writ Court. Thus, the learned counsel submits that the Respondents are in contempt and they 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.

5.At this juncture, Mr.P.Thambidurai, learned Government Advocate for the Respondents, submits that there is some misunderstanding regarding the order passed by the Writ Court. He requests this Court to grant some time to seek clarification from the Respondents and assures that whatever monetary benefits are due to the Petitioner in respect of the arrears shall be paid within a period of one week



from today. In this regard, he undertakes to file a compliance affidavit along with the decision taken by the Respondents on or before the next date fixed.

6. The learned counsel for the Petitioner submits that he has no objection to the request made by the learned Government Advocate for the Respondents.

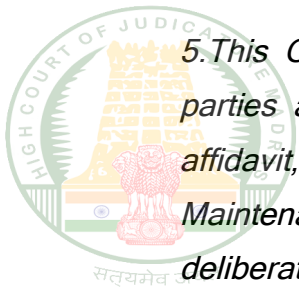
7. In view of the assurance given by Mr. P. Thambidurai, learned Government Advocate for the Respondents, this Court grants the Respondents a final opportunity to comply with the judgment and order of the Writ Court dated 26.09.2019 in W.P. (MD) No. 7889 of 2010, without fail, within a period of one week from today. The Respondents are directed to communicate the decision taken by them to the Petitioner and file an affidavit of compliance within the same period. Failure to comply with the said order within the stipulated time frame will necessitate the personal appearance of the Respondents before this Court on the next date fixed and they shall explain why the judgment and order of the Writ Court dated 26.09.2019 in W.P. (MD) No. 7889 of 2010 has not been complied with.

8. Put up this case on 14.07.2025 "For Orders" before this Court.

9. Let a copy of this order be given to Mr. P. Thambidurai, learned Government Advocate, for its necessary compliance and information to the Respondents.

3. Today, when the matter was taken up, Mr. P. Thambidurai, learned Government Advocate for the Respondents, produced an order dated 08.07.2025 issued by the Divisional Engineer, (Highways) Construction and Maintenance, Theni, along with a compliance affidavit. He submits that the judgment and order passed by the Writ Court on 26.09.2019 in W.P. (MD) No. 7889 of 2010 has been complied with. A copy of the compliance affidavit along with the order dated 08.07.2025 has been taken on record and the same has been furnished to the learned counsel for the Petitioner.

4. Mr. M. Gnana Gurunathan, learned counsel for the Petitioner received the copy of the said order dated 08.07.2025 and submits that the judgment and order passed by the Writ Court dated 26.09.2019 in W.P. (MD) No. 7889 of 2010 has not been fully complied with. He further submits that on an earlier occasion, the learned Government Advocate assured this Court that whatever monetary benefits due to the Petitioner in respect of arrears would be paid within a week from today. However, till date, no amount has been credited to the Petitioner's account.



5. This Court, after hearing the submissions made by the learned counsel for parties and after perusing the order dated 08.07.2025 along with the complaint affidavit, passed by the Divisional Engineer, (Highways) Construction and Maintenance, Theni, finds that the Respondents appear to have wilfully and deliberately disobeyed the orders of the Writ Court dated 26.09.2019 in W.P.(MD) No. 7889 of 2010 as well as the direction issued by this Court dated 02.07.2025 in the present contempt petition. Consequently, this Court deems it necessary to initiate proceedings against the Respondents for their alleged non-compliance, as now they are in contempt.

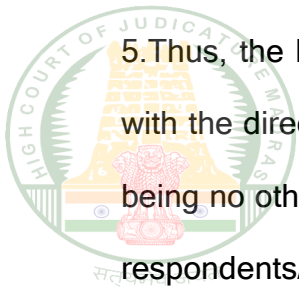
6. At this juncture, Mr.P.Thambidurai, learned Government Advocate, assures this Court that whatever direction is issued by this Court will be fully complied with and requests further time to ensure compliance with the direction issued by this Court on 02.07.2025 in the present contempt petition.

7. On the request made by Mr.P.Thambidurai, learned Government Advocate, this Court directs the Respondents to appear in person along with the cheque before this Court on 21.07.2025 without fail. They shall also file an affidavit and explain why the direction issued by this Court on 02.07.2025 in the present contempt petition has not been complied with.

8. Put up this case on 21.07.2025 "For Orders" before this Court.

9. Let a copy of this order be given to Mr.P.Thambidurai, learned Government Advocate for necessary compliance and information to the Respondents. "

4. Mr.Jawahar Srinath, learned counsel representing Mr.M.Gnana Guru Nathan, learned counsel for the petitioner submits that challenging the judgment and order passed in W.P.(MD) No.7889 of 2010, dated 26.09.2019, the respondents have preferred an appeal in W.A.(MD) No.1231 of 2019, before this Court, which is pending for consideration. He further submits that this is the ploy by the respondents to frustrate the judgment and order passed by the Writ Court, dated 26.09.2019 and so far, there is no interim order obtained by the respondents in the appeal filed by the respondent.



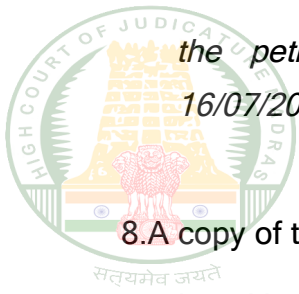
5. Thus, the learned counsel for the petitioner submits that the respondents have not complied with the directions issued by this Court in W.P.(MD) No.7889 of 2010, dated 26.09.2019. Being no other alternative, the present Contempt Petition has been filed with the prayer that the respondents/contemnors have wilfully and deliberately flouted the order passed by this Court and are in contempt of the judgment and order of this Court dated 26.09.2019. Thus, they should be summoned and punished by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

6. Today, when the matter is taken up, Mr.P.Thambidurai, learned Government Advocate for the respondents has filed an affidavit of compliance of the second respondent, dated 21.07.2025, annexing a copy of the order passed by the second respondent, dated 08.07.2025 along with the payment details, in which it has been stated that the direction issued by the Writ Court in W.P.(MD) No.7889 of 2010, dated 26.09.2019 has been fully complied with and the entire monetary benefit has been paid to the petitioner.

7. In paragraph No.5 of the compliance affidavit, the aforesaid fact has been clearly stated, which reads as under:-

“ 5) I respectfully submit that in obedience to the order of this Hon'ble Court, immediately vide Se.Mu.Ka.No.27/2019/Aa3 dated 22.10.2019, the petitioner was duly promoted as Road Inspector Grade II with effect from 01.10.2008 and the Monetary benefits was given from the year 2019. It is further submit that this Contempt petition came up for hearing on 02.07.2025, it was appraised before this Hon'ble court that the Monetary benefits was given from the year 2019 instead of 2008 due to some misunderstanding of the order of this Hon'ble Court, Subsequently, the monetary benefits had been Sanctioned from the year of 2008 to 2019 vide order dated

08.07.2025 in Se.Mu.Ka.No.27/2025/Aa3. After that to implement the order it was sent to the Treasury Department, there after the amount of Rs.2,62,301/- was transferred to



the petitioner's State Bank Account number 30567490756 through EC
16/07/2025."



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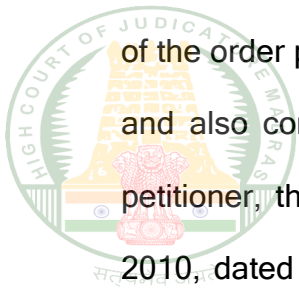
8.A copy of the compliance affidavit filed by the second respondent, dated 21.07.2025 has been produced before this Court, which is now taken on record and a copy of the same has also been given to the learned counsel for the petitioner.

9.Thus, the learned Government Advocate submits that the respondents may be discharged from the present contempt proceedings, as the judgment and order of the Hon'ble Writ Court in W.P.(MD) No.7889 of 2010, dated 26.09.2019 as well as this Court in Cont.P.(MD) No.76 of 2024, dated 16.07.2025, has been fully complied with by the respondents and the present Contempt Petition may also be disposed of, accordingly.

10.Mr.Jawahar Srinath, learned counsel representing Mr.M.Gnana Guru Nathan, learned counsel for the petitioner submits that he has received a copy of the compliance affidavit filed by the second respondent, dated 21.07.2025, annexing a copy of the order passed by the second respondent, dated 08.07.2025 along with the payment details and has no objection, if the respondents are discharged from the contempt proceedings, as the judgment and order of this Court dated 26.09.2019 and 16.07.2025 has been complied with by the respondents. He further submits that the entire monetary benefit due to the petitioner has already been paid to him and as of now, no amount is due to the petitioner.

11.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.7889 of 2010, dated 26.09.2019 and the compliance affidavit filed by the second respondent, dated 21.07.2025, annexing a copy



of the order passed by the second respondent, dated 08.07.2025 along with the payment made to the petitioner, and also considering the fact that the entire monetary benefit has already been paid to the petitioner, this Court satisfied that the direction issued by this Court in W.P.(MD) No.7889 of 2010, dated 26.09.2019 has been fully complied with by the respondents and thus, no useful purpose will be served in continuing the present contempt proceedings against the respondents.

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

21-07-2025

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To

1. Chandrasekar
The Chief Engineer (General),
Highways Department,
Chennai-05.

2. Ramesh,
The Divisional Engineer,
Highways Department,
Theni.

3. E. Murugesan,
The assistant Divisional Engineer,
Highways Department,
Bodinayakanur,
Theni District.



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CONT.P(MD) No.76 of 2024

21.07.2025