



SUB A(MD). No.385 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Contempt Jurisdiction

Thursday, the Twentieth day of March Two Thousand and Twenty Five

PRESENT

The HONOURABLE MRS. JUSTICE S.SRIMATHY

SUB A(MD). No.385 of 2024

in

Cont P(MD) No.1636 of 2023

in

WP(MD)No.6586 of 2023

P.Arivalagan

... Petitioner/Petitioner/Petitioner

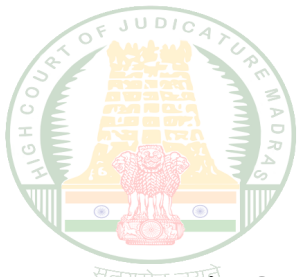
Vs

1 D.K.Sekar,
The Principal Accountant General(A and E)
DMS Complex,
Thenampet,
Chennai-600 018.

2 N.Rukmani,
The Director,
The Medical and Rural Health Service,
Chennai-600 006.

3 Raj Mohan,
The Joint Director of Health Service,
Namakkal-637 001.

... Respondents/Respondents/Respondents



SUB A(MD). No.385 of 2024

Prayer in SUB A(MD) No.385 of 2024:-

The Sub Application filed under Section 151 of C.P.C. to reopen the Contempt Petition in Contempt Petition (MD) No.1636 of 2023 closed by order dated 05.01.2024.

Prayer in CONT P(MD). 1636/ 2023:-

Contempt Petition filed under Section 11 of Contempt of Court Act,1971 to punish the Contemnors/ Respondents for the willful disobedience of the order of this Court in W.P(MD)6586 of 2023 dated 27.03.2023.

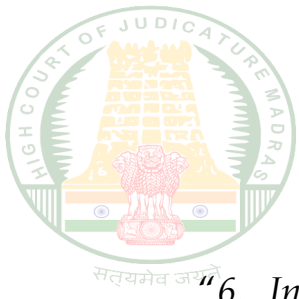
Prayer in WP(MD). 6586/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue of Writ of Mandamus directing the respondents to disburse the Death cum Retirement Gratuity Benefits of the Petitioner with interest by considering the representation of the petitioner dated 02.05.2019.

ORDER:- This Sub Application coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.G.Prabhu Rajadurai, Advocate for the Petitioner and of Mr.P.Gunasekaran, Standing Counsel for the 1st Respondent, Mr.S.Sajibino, Special Government Pleader for the 2nd and 3rd respondents, this Court made the following order:

“The present sub application is preferred to reopen the contempt petition in Cont.P(MD)No.1636 of 2023.

2.This Court heard the writ petition and passed the following order:



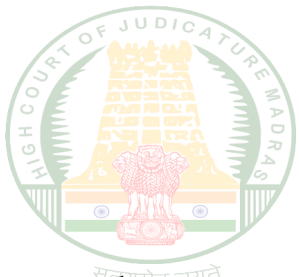
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“6. In view of the aforesaid submission made by the learned counsel appearing for the petitioner, the respondents are directed to consider the petitioner's case, as per G.O(Rt) No.411, Health and Family Welfare (H2) Department, dated 30.04.2019. If any amount ought to be payable by the petitioner, the same shall be intimated to the petitioner by issuing notice and after granting adequate opportunity to the petitioner, a speaking order shall be passed. However, if the petitioner is not liable to pay any amount, the DCRG shall be disbursed, forthwith.”

3. The Writ Court has only directed the respondent to consider the case of the petitioner and also directed to grant an opportunity to the writ petitioner. Further observed that the petitioner is not liable to refund of any amount, then the respondents may disburse the DCRG amount forthwith. The petitioner has filed the contempt petition alleging disobedience. When the contempt petition was taken the respondents submitted that the order passed by the Court is complied with, recording the same submission the Court had closed the contempt petition. The present sub application is filed alleging that the interest is not paid.

4. The learned Standing Counsel appearing for the 1st respondent and the learned Special Government Pleader appearing for respondents 2 and 3 vehemently opposed for awarding interest, since there was an allegation against the petitioner for misappropriating the amount. The amount was granted to the petitioner in order to him to purchase articles in the Department. However, the department could not



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take appropriate disciplinary proceedings, since several persons were involved, some of them retired, some of them died. In the meanwhile, the petitioner attained superannuation and retired from service. Therefore, the Government thought it fit to close the case without any disciplinary proceedings.

5. The Learned Counsel appearing for the petitioner submitted that the respondents had not initiated any disciplinary proceedings, not even a show cause notice was issued. And as on date no other disciplinary proceedings are pending against the petitioner.

6. After hearing the rival submissions, this Court is not inclined to entertain the writ petitioner's plea. It is seen there was an allegation of misappropriation. Even though it is only an allegation which has not culminated into disciplinary proceedings, this Court is not inclined to grant interest. Infact the respondents were directed only to consider the petitioner's plea as per G.O(Rt) No.411, Health and Family Welfare (H2) Department, dated 30.04.2019. The respondents have considered as per the aforesaid G.O. and also had taken into consideration regarding allegation of misappropriation and had declined the interest.

7. The Learned Counsel sought liberty to agitate the plea of interest by filing fresh writ petition. This Court is of the considered opinion when Writ Court has not granted interest, which means the petitioner is not entitled to interest. Further the



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contempt petition was closed. It is by way of filing sub application the petitioner is seeking interest, which indicates the petitioner without adjudication demanding interest. Therefore, this Court is not inclined to grant liberty to file fresh writ petition. Hence, the sub application is dismissed.”

Sd/-

Assistant Registrar(C.S-I)

// True Copy //

/03/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

1 The Principal Accountant General(A and E)
DMS Complex,
Thenampet,
Chennai-600 018

2 The Director,
The Medical and Rural Health Service,
Chennai-600 006

3 The Joint Director of Health Service,
Namakkal-637 001

+1 cc to Mr.G.Prabhu Rajadurai, Advocate, SR.No.18681/2024

+1 cc to Govt. Pleader, Sr.19241/2024



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ORDER DATED : 20/03/2025

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ORDER

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in
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in
WP(MD)No.6586 of 2023

KVL(28/03/2025) 6P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023