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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MR.JUSTICE T. VINOD KUMAR

CONT P No. 1562 of 2026

P.Kalaiselvi

..Petitioner(s)

Vs.

Mr. K.A.Thangarasu,
District Educational Officer (Elementary Education)
Pollachi - 642 001
(Previously designated as
The District Elementary Educational Officer,
Town Hall Road (Near Manikoundu)
Coimbatore-1.

.. ..Contemnor(s)

Prayer : This Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for wilful disobedience to the order passed by this Court dated 18.04.2023 made in W.P.No.20213 of 2013.

For Petitioner(s) : Mr. Mohanraj

For Respondent : Ms.Y.Kavitha
Govt.Advocate

ORDER

This contempt petition is filed to punish the respondent/contemnor for wilful disobedience for non compliance of the order dated 18.04.2023 made in WP.No.20213 of 2013.

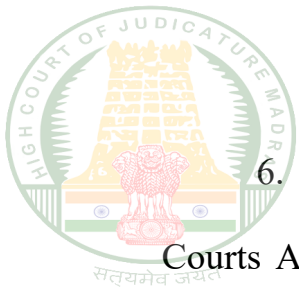


2. The order copy was uploaded on the High Court website/portal thereafter. The petitioner applied for certified copy of the order on 18.04.2023 and the same was made ready on 22.06.2023 and delivered on 23.06.2023. However, it is noticed that the present Contempt Petition was presented only on 22.04.2025.

3. Though on behalf of the petitioner, it is contended that despite this Court directing the respondent to treat the period from 22.03.2010 to 30.04.2011 as duty period in the post of Middle School Headmaster and grant the petitioner all consequential benefits within a period of twelve weeks from the date of receipt of a copy of this order, the respondents did not comply with the order and have wilfully disobeyed the order.

4. The learned counsel for the petitioner submitted that despite the petitioner following up the matter with the respondent, the respondent kept the issue pending and as such, the petitioner was constrained to file the present contempt case on 22.04.2025.

5. I have taken note of the aforesaid submission made on behalf of the petitioner.



6. At the outset, it is to be noted that Section 20 of the Contempt of Courts Act, 1971 prescribes the limitation of one year for initiating contempt proceedings.

7. This Court by order dated 28.11.2025 in Cont.P.Nos.2599 and 3033 of 2025 and by order dated 12.09.2025 in Cont.P.No.2706 of 2025 had considered the scope of Section 20 of the Contempt of Courts Act, 1971 (for short 'Act 1971') and Article 215 of the Constitution of India, and also as to what would constitute continuing cause of action.

8. This Court having regard to the law declared by the Hon'ble Apex Court in the case of ***S.Tirupathi Rao V. M.Lingamaiah and others – 2024 SCC online 1764***, has held that Section 20 of the Contempt of Courts Act, 1971, being a specific provision, the contempt petition has to be filed within one year when the cause of action arises.

9. This Court, in the aforementioned contempt petitions also dealt with the issue of continuing cause of action and reference to Judgment of the Hon'ble Apex Court in the case of ***S.Tirupathi Rao V. M.Lingamaiah and others*** (supra), wherein the Apex Court had explained as to what constitutes a continuing wrong giving rise to continuing cause of action, reading as under :-



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“56. A caveat needs to be added here. For a “continuing wrong/breach/offence” to be accepted as a ground for seeking exemption in an action for contempt, the party petitioning the court not only has to comprehend what the phrase actually means but would also be required to show, from his pleadings, the ground resting whereon he seeks exemption from limitation. Should the party fail to satisfy the court, the petition is liable to outright rejection. Also, the court has to be vigilant. Stale claims of contempt, camouflaged as a “continuing wrong/breach/offence” ought not to be entertained, having regard to the legislative intent for introducing section 20 in the Act which has been noticed above. Contempt being a personal action directed against a particular person alleged to be in contempt, much of the efficacy of the proceedings would be lost by passage of time. Even if a contempt is committed and within the stipulated period of one year from such commission no action is brought before the court on the specious ground that the contempt has been continuing, no party should be encouraged to wait indefinitely to choose his own time to approach the court. If the bogey of “continuing wrong/breach/offence” is mechanically accepted whenever it is advanced as a ground for claiming exemption, an applicant may knock the doors of the Court any time suiting his convenience. If an action for contempt is brought belatedly, say any time after the initial period of limitation and years after the date of first breach, it is the prestige of the court that would seem to become a casualty during the period the breach continues. Once the dignity of the court is lowered in the eyes of the public by non-compliance of its order, it would be farcical to suddenly initiate proceedings after long lapse of time. Not only would the delay militate against the legislative intent of inserting section 20 in the Act (a provision not found in the predecessor statutes of the Act) rendering the section a dead letter, the damage caused to the majesty of the court could be rendered irreparable. It is, therefore, the essence of justice that in a case of proved civil contempt, the contemnor is suitably dealt with,



including imposition of punishment, and direction as well is issued to bridge the breach.”

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10. In the facts of the present case, the cause of action for the petitioner to initiate action for contempt had arisen on expiry of three months time granted by this Court from the date of receipt of a copy of the order dated 18.04.2023. The petitioner not only did not take steps thereafter within time prescribed under the Contempt of Courts Act, but remained silent for a considerable length of time and approached this Court by filing the present contempt case nearly 3 years later.

11. Having regard to the decision of the Hon'ble Apex Court and this Court, is of the view that the present contempt petition as filed is not maintainable having been filed beyond the limitations prescribed under the Act.

12. Accordingly, this Contempt Petition is dismissed. However, it is open for the petitioner to work out remedy in the manner known to law.

24-06-2026

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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T.VINOD KUMAR, J.

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To

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