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Cont.A.No. 7 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2026

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

Cont.A.No.7 of 2022
C.M.P.No.15327 of 2022

1. The Secretary,
Commercial Taxes & Registration Department,
State of Tamil Nadu, Fort St.George,
Chennai – 600 009.

2. The Inspector General of Registration,
Registration Department,
Santhome High Road,
Chennai – 600 028.

... Appellants

Vs.

P.Nagarajan

...Respondent

Prayer: This Contempt Appeal has been filed under Section 19(1)(a) of Contempt of Courts Act, 1971, against the order of the learned Single Judge dated 12.07.2022 made in Cont.P.No.565 of 2022.

For Appellants : Mr.J.Ravindran, AAG, Assisted by
Mr.P.Harish, Govt. Advocate

For Respondent : Mrs.M.N.Sumathy for Ms.Anna Mathew



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JUDGMENT

(Judgment of the Court was made by P.VELMURUGAN, J.)

This intra-court appeal has been filed against the order passed by the learned Single Judge of this Court in Cont.P.No.565 of 2022, dated 12.07.2022.

2 The respondent had filed writ petition in W.P.No.12189 of 2009 seeking to quash the G.O.(2D)No.179 dated 28.11.2008 issued by the first respondent and quash the same insofar as the promotion of third respondent therein to the post of District Registrar overlooking the respondent herein, who is the writ petitioner, is concerned and to direct the respondents 1 and 2 therein to consider and promote the writ petitioner to the post of District Registrar w.e.f. 28.11.2008 before the promotion of third respondent therein as much with due seniority, arrears of salary and all consequential benefits.

3 The Writ Court, by an order dated 02.09.2021, allowed the Writ Petition, directing the respondents 1 and 2 therein to fix the seniority of the petitioner over and above that of the third respondent therein as well as three individuals named in the order and to pay all the consequential monetary benefits within six months from the date of order.



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4 Since the order of Writ Court dated 02.09.2021 has not been complied with by the respondents therein, who are the appellants herein, writ petitioner filed contempt petition in Cont.P.No.565 of 2022. Before the learned Single Judge, in the Contempt Petition, the learned Additional Advocate General had given assurance to comply with the order of the Writ Court in full. But, even after giving sufficient time, the appellants, who are respondents in the contempt petition have not complied with the order in full and they filed Writ Appeal, which was dismissed on 13.06.2022 by the Division Bench of this Court. Thereafter G.O.No.154 dated 12.07.2022 was issued setting out the dates of promotion of the Writ Petitioner in various posts. As against the dismissal of the Writ Appeal by the Division Bench, the appellants herein filed an SLP.

5 The learned Single Judge, noting the attitude of the appellants herein, vide an order dated 12.07.2022, imposed cost of Rs.50,000/- to be paid to the writ petitioner and further closed the contempt petition recording the assurance of learned AAG and subject to compliance in full.

6 Now challenging the imposition of cost of Rs.50,000/- by the learned Single Judge, the contempt appeal has been filed.



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7 The learned Additional Advocate General for the appellants would submit that there was no wilful disobedience of the order of this Court. The Writ Court passed the order on 02.09.2021, in and by which, the appellants were directed to revise the respondent's seniority with respect to the date of his initial appointment and above to his juniors and further ordered that he shall be entitled to all consequential benefits. The appellants received the said order on 24.02.2022 and thereafter the seniority of the respondent has been revised in various cadres through various proceedings without waiting for the outcome of the appeal in W.A.No.1433 of 2022 filed by the appellants challenging the order in the Writ Petition dated 02.09.2021. The Division Bench of this Court by an order dated 13.06.2022 dismissed the Writ Petition, as against which, SLP also filed.

7.1 In the interregnum, the respondent has filed Cont.P.No.565 of 2022 and this Court, by an order dated 12.07.2022, even though recorded the compliance and accepted the case of the appellants, imposed cost of Rs.50,000/-, which is now under challenge in this appeal.



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7.2 The learned AAG reiterated that since there is no wilful disobedience of the order of this Court and there was only ambiguity in the compliance and the learned Single Judge also closed the contempt, the imposition of cost of Rs.50,000/- warrants interference.

8 Learned counsel for the respondent would submit that even though the learned Single Judge has passed the order as early as on 02.09.2021 giving six weeks time to revise the seniority of the respondent and disburse all consequential monetary benefits, the appellants even after expiry of the time granted by this Court, have not complied with the order and hence the respondent has filed the contempt petition. The learned Single Judge after noting the attitude of the appellants and the unusual resistance of the appellants in complying the order, imposed cost of Rs.50,000/- and finally recording the assurance given by the learned AAG, closed the contempt petition with a direction to comply with the order in full. Thereafter only the appellants have complied with the order of the Writ Court in full and now the respondent/writ petitioner received all the monetary benefits, except the cost of Rs.50,000/- ordered by the learned Single Judge.



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We have heard the learned AAG for the appellants and the learned counsel for the respondent and perused the materials including the order under appeal.

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10 The Writ Court by order dated 02.09.2021 allowed the Writ Petition filed by the respondent herein and the relevant portion of the order is extracted hereunder:

“10. In fine, the token defence putforth by the respondents is rejected, petitioner succeeds and the fixation of his seniority is to be over and above that of R3 as well as the tree individuals named above.

11. R3 as well as Mr.D.Arumugam, Mr.P.Chandrasekaran and Mr.G.Anburaj have superannuated and thus there will be no impact to their terminal benefits by virtue of this order. Only the petition shall be entitled to all consequential benefits of this order, to be quantified by R1 & R2 and paid over within a period of six (6) weeks from today.”

11 Even after lapse of the time granted by the learned Single Judge, the appellants have not complied with the order and hence the respondent herein filed contempt petition in Cont.P.No.565 of 2022. It is useful to extract the observations made by the learned Single Judge in the order dated 12.07.2022, extracting the adjudications, which reads as follows:

“4. The contentious and convoluted trajectory that the proceedings in contempt have taken would be best and simply explained by extracting below the docket orders recording the proceedings at every



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turn, that is, at every hearing of this petition. They are extracted below:

Order dated 28.04.2022.

Mr.C.Jayaprakash learned Government Advocate accepts notice for the respondent and assures the Court that order dated 02.09.2021 passed in W.P.No.12189 of 2009 will be complied with shortly.

2. List on 07.06.2022 to report compliance.

Order dated 07.06.2022.

Despite the assurance given by Mr.C.Jayaprakash, learned Government Advocate on 28.04.2022 to the effect that order dated 02.09.2021 will be complied with shortly, today learned Special Government Pleader would state that some more time is required. This is not appreciated.

2. Today, Mr.Silambannan, learned Additional Advocate General assisted by Mrs.Sangamithirai, learned Special Government Pleader reiterates the assurance given earlier stating that the order will be complied with, in full by 13.06.2022. In the alternate, costs will be imposed.

3. List on 14.06.2022 under the caption 'for reporting compliance.'

Order dated 14.06.2022

Mr.Silambannan, learned Additional Advocate General assisted by Mrs.Sangamithirai, learned Special Government Pleader files a compliance affidavit of R2 along with a set of documents to show that order of this Court dated 02.09.2021 has been complied with in full.

2.In line with the fixation of seniority, the petitioner has been held entitled to a sum of Rs.6,38,850/~ which has been deposited in the treasury.

3.Learned counsel for the petitioner confirms that this



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tantamounts to payment. However, she differs on whether there has been compliance in full and seeks a weeks- time to file an objection to the compliance affidavit along with supporting documents.

4.At her request, list on 21.06.2022 to file an objection, which shall be served upon respondent counsel in advance.

Order dated 21.06.2022.

At request of learned Special Government Pleader, list on 05.07.2022 under the same caption.

Order dated 05.07.2022.

Today, the first respondent has filed a memo, which reads as follows:

‘It is hereby submitted that compliance affidavit was filed by the 1st Respondent in June 2022. In the said affidavit it was stated the orders of Hon’ble court in W.P.12139/2009 has been complied with. However, during subsequent hearing dated 5.07.2022 after discussions with the counsel for writ petition it appears that there has been an error in fixing the seniority and the corresponding scale in pay. It is also submitted before this Hon’ble court that the proposal sent to the court by the Inspector General of registration to include the name of the petitioner before the name of the Anburaj.

It is therefore humbly prayed to this Hon’ble court to please grant 2 weeks time for compliance and thus render justice.’

2.It is, thus, more than abundantly clear that the so-called compliance at the first instance, is no compliance at all.

3. List on 12.07.2022 as a final opportunity to the respondents to ensure full compliance with order dated 02.09.2021.”

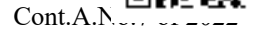


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12 From the above, it is very clear that even after giving sufficient opportunities, the appellants have not complied with the order of this Court and even though Writ Appeal has been filed, no stay has been granted in favour of the appellants and the Writ Appeal was also subsequent dismissed on 13.06.2022. As against the same, the appellants went to the Hon'ble Supreme Court, but they could not get any fruitful order in their favour and the order of the Writ Court attained finality.

13 Therefore the order passed by the learned Single Judge in the contempt petition makes it very clear that even after giving sufficient opportunities, the appellants have not complied with the order and in one way or other they have protracted the case, despite no stay has been granted either by the Division Bench in the Writ Appeal or by the Hon'ble Supreme Court in the SLP. Even on the date of closing the contempt petition also the order of the Writ Court has not been complied with in full and hence the learned Single Judge imposed cost of Rs.50,000/- giving well founded and valid reasons and Para No.8 of the order reads as follows.

“8. Recording the assurances of learned AAG for the Respondents, and subject to compliances as aforesaid, this contempt petition is closed.”



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