



Contempt Appeal No.1 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20 / 02 / 2026

Coram:

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

Contempt Appeal No.1 of 2017

1.K.S.Ganapathy Subramanian,
The Chief Manager, Disciplinary Authority,
Indian Overseas Bank, C & D.A. Cell,
Central Office No.763, Anna Salai,
Chennai - 600 002.

2.N.Subramanian,
The Chief Manager, Conduct and Disciplinary Act Cell,
Indian Overseas Bank, C & D.A.Cell,
Central Office No.763, Anna Salai,
Chennai 600 002.

... Appellants

Vs.

S.V.Chennakrishnan

... Respondent

Prayer : This Contempt Appeal is filed under Section 19 of the Contempt of Courts Act, 1971 to set aside the order dated 22.03.2017 passed in Contempt Petition No.1652 of 2016.

For Appellants : Mr.N.G.R.Prasad
Senior Counsel
For Mr.K.Srinivasa Murthy

For Respondent : Mr.K.M.Ramesh
Senior Advocate
For Mr.V.Sivaraman



Contempt Appeal No.1 of 2017

JUDGMENT

WEB COPY

P.VELMURUGAN, J.

This Contempt Appeal has been filed by the Appellants challenging the order dated 22.03.2017 passed by the learned Single Judge in Contempt Petition No.1652 of 2016, by which the Appellants were held guilty of contempt of court and were sentenced to undergo simple imprisonment and directed to pay a fine of Rs.2,000/- each for the alleged disobedience of the interim stay order dated 25.05.2016 in W.M.P.No.16066 of 2016 in W.P.No.18368 of 2016.

2. The Respondent was working as a Special Assistant in Indian Overseas Bank at the City Back Office, Chennai. He was also the Vice President of the All India Overseas Bank Employees Union. Two charge sheets were issued against him by the Bank, one dated 03.06.2014 and another dated 30.01.2015. These charge sheets arose out of allegations relating to a sub-staff recruitment scam. The allegation against the



Respondent was that, using his position as a union office bearer, he facilitated the creation of false service certificates for ineligible candidates and received illegal gratification for arranging their recruitment. Similar disciplinary proceedings were initiated against several other union office bearers in the State of Tamil Nadu based on a case registered by the Central Bureau of Investigation.

3. The employees against whom disciplinary proceedings were initiated approached this Court by filing writ petitions challenging the charge sheets and the continuation of the disciplinary proceedings. The said writ petitions were dismissed. Challenging the same, writ appeals were filed before a Division Bench of this Court in W.A.Nos.1559 to 1570 of 2014. By a common judgment dated 31.03.2016, the Division Bench dismissed those writ appeals but granted four weeks' time to the concerned employees from the date of receipt of the order copy to appear before the Disciplinary Authority for personal hearing.



4. The Respondent was also one of the employees who had filed writ petitions. His writ petitions in W.P.Nos.1406 and 12780 of 2015 were disposed of by a Division Bench on 13.04.2016, following the above common judgment dated 31.03.2016. The copy of the order was made ready on 02.05.2016 and was received by the Respondent on 19.05.2016. On that basis, the Respondent claimed that he had time until 18.06.2016 to appear before the Disciplinary Authority.

5. Certain employees, including the Respondent, thereafter approached the Hon'ble Supreme Court by filing Special Leave Petitions in SLP(C)Nos.12968 to 12979 of 2016. The Hon'ble Supreme Court, by a common order dated 10.05.2016, dismissed all the SLPs in limine. While dismissing the petitions, the Hon'ble Supreme Court issued a specific direction that those employees who had already attained superannuation or were likely to attain superannuation should file an undertaking before the Disciplinary Authority within two weeks stating that they would not raise the plea that they had ceased to be employees of the Bank. Upon filing such undertaking, the time for appearing before the Disciplinary Authority was extended by a further period of four weeks.



WEB COPY

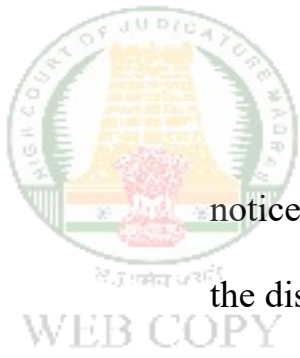
6. The Respondent's date of superannuation was 31.05.2016.

Therefore, he fell within the category of employees to whom the above direction applied. As per the order of the Supreme Court, he was required to file an undertaking within two weeks from 10.05.2016, namely on or before 24.05.2016.

7. The Respondent, however, did not file any undertaking as directed by the Hon'ble Supreme Court. Instead, he sent a letter dated 14.05.2016 to the Disciplinary Authority. A reading of that letter shows that it only contained certain legal submissions regarding the four-week time granted by the Division Bench of this Court. The letter did not contain any statement that the Respondent would not raise the plea that he had ceased to be an employee of the Bank.

8. Since the Respondent did not file the undertaking, the Appellants were of the view that the extended four-week period granted by the Supreme Court was not available to him. The Appellants therefore proceeded to issue

5/13



notices to the Respondent calling upon him to appear for personal hearing in the disciplinary proceedings.

9. At that stage, the respondent filed W.P.Nos.18368 and 18369 of 2016 before this Court challenging the personal hearing notices. The learned Single Judge, by order dated 25.05.2016, granted an interim stay of the disciplinary proceedings for a period of four weeks.

10. The Appellants thereafter filed petitions to vacate the interim stay. The matter was heard by the learned Single Judge in chambers on the evening of 30.05.2016. After hearing both sides, the learned Judge indicated that the order would be issued and made ready on 01.06.2016.

11. On the night of 30.05.2016, at about 8.00 p.m., the first Appellant along with other officers served two notices on the Respondent at his residence calling upon him to appear for personal hearing on 31.05.2016.



Contempt Appeal No.1 of 2017

The Respondent sent a reply stating that the interim stay granted by the Court was still in force and therefore he would not attend the hearing.

12. Despite the Respondent not appearing for the hearing, the Disciplinary Authority proceeded to pass the final order dated 31.05.2016 dismissing the Respondent from service. The dismissal order was sent by speed post on the same day at about 6:48 p.m. The Respondent received the order on 01.06.2016, after his date of superannuation.

13. The Respondent thereafter filed Contempt Petition No.1652 of 2016 alleging that the Appellants had wilfully disobeyed the interim stay order dated 25.05.2016. The learned Single Judge accepted the contention of the Respondent and by order dated 22.03.2017 held the Appellants guilty of contempt of court. Challenging that order, the present Contempt Appeal has been filed.

14. We have carefully considered the submissions made by both sides and examined the materials placed before us.



WEB COPY

15. The first question that arises for consideration is whether the Respondent complied with the direction issued by the Hon'ble Supreme Court in its order dated 10.05.2016. By the said order, the Hon'ble Supreme Court directed that employees who had already attained superannuation or were likely to attain superannuation should file an undertaking before the Disciplinary Authority within two weeks stating that they would not raise the plea that they had ceased to be employees of the Bank.

16. It is not in dispute that the Respondent was due to attain superannuation on 31.05.2016. Therefore, the above direction of the Hon'ble Supreme Court squarely applied to him. However, the Respondent did not file any undertaking in terms of the said direction.



17. Even the Respondent's letters dated 14.05.2016 and 23.05.2016

addressed to the Disciplinary Authority do not show anything to indicate that an undertaking, as directed by the Hon'ble Supreme Court, had been given by him. We have carefully examined the contents of the said letters.

18. A reading of the said letters shows that they only contain certain submissions made by the Respondent with reference to the time granted by the Division Bench of this Court for appearing before the Disciplinary Authority. The letters do not contain any statement to the effect that the Respondent would not raise the plea that he had ceased to be an employee of the Bank. In the absence of any such clear statement, the said letters cannot be treated as an undertaking within the meaning of the direction issued by the Hon'ble Supreme Court.

19. In view of the above, it cannot be said that the Respondent complied with the condition imposed by the Hon'ble Supreme Court. Therefore, the conduct of the Appellants has to be considered in the light of



the fact that the Respondent had not filed the undertaking as directed by the Hon'ble Supreme Court.

20. The issue that arises in the present proceedings is whether the conduct of the Appellants amounts to wilful disobedience of the interim order dated 25.05.2016 passed in the writ petitions filed by the Respondent.

21. It is well settled that in order to hold a person guilty of civil contempt, the disobedience of the order of the Court must be wilful and deliberate. Unless the materials on record clearly establish such wilful and intentional disobedience, a finding of contempt cannot be sustained.

22. In the present case, the Respondent was required to file an undertaking before the Disciplinary Authority in terms of the direction issued by the Hon'ble Supreme Court. Admittedly, no such undertaking was filed. Even the Respondent's letters dated 14.05.2016 and 23.05.2016 do not contain any statement that could be treated as an undertaking in terms of the



Contempt Appeal No.1 of 2017

said direction. The Appellants therefore proceeded on the footing that the direction of the Hon'ble Supreme Court had not been complied with. In that background, the materials placed before us do not indicate that the Appellants acted with any intention to deliberately disobey the order of this Court.

23. In such circumstances, the essential requirement of wilful disobedience necessary to constitute civil contempt cannot be said to have been established.

24. For the above reasons, we are unable to sustain the finding of contempt recorded by the learned Single Judge. Accordingly, the Contempt Appeal is allowed and the order dated 22.03.2017 passed in Contempt Petition No.1652 of 2016 is set aside. It is made clear that this judgment is confined only to the question of contempt of court and the alleged disobedience of the interim stay order. We have not expressed any opinion on the merits of the disciplinary proceedings or the order of dismissal dated



Contempt Appeal No.1 of 2017

31.05.2016, which may be considered in appropriate proceedings if challenged.

[P.V.J.] [M.J.R.J.]
20 / 02 / 2026

Speaking Order
Neutral Citation case: Yes

r n s



WEB COPY



Contempt Appeal No.1 of 2017

P.VELMURUGAN. J.
and
M.JOTHIRAMAN, J.

r n s

Judgment in
Contempt Appeal No.1 of 2017

23 / 02 / 2026