

(2013) 11 MAD CK 0110

Madras High Court

Case No: Cont. P. No. 1183 of 2013 in Writ Petition No. 8743 of 2004

V. Gopi

APPELLANT

Vs

Md. Nasimuddin, I.A.S. and K.
Rajaraman, I.A.S., Member
Secretary Sports Development
Authority of Tamil Nadu

RESPONDENT

Date of Decision: Nov. 19, 2013

Hon'ble Judges: C.S. Karnan, J

Bench: Single Bench

Advocate: P. Thiagarajan, for the Appellant; S. Gomathinayagam, A.A.G., assisted by Mr. I. Sathish for R2 and Mr. I. Arokiyadoss, G.A., for R1, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

C.S. Karnan, J.

The petitioner herein has filed the Contempt Petition, u/s 11 of the Contempt of Courts Act 70/71, to punish the respondents for their wilful disobedience of the Order of this Court dated 05.02.2013 made in W.P. No. 8743 of 2004. The Short facts of the case are as follows:

The writ petitioner Mr. V. Gopi had filed a writ petition in W.P. No. 8743 of 2004, against the respondents, for issuance of a writ of certiorarified mandamus to call for the entire records pertaining to the impugned proceedings vide Proc. Nos. 13760/A2/2002-1, 13760/A2/2002-2, 13760/A2/2002-3 and 13760/A2/2002-4, dated 20.02.2004, issued by the second respondent, quash the same and consequently to direct the respondents not to degrade the petitioner, who was working as a Steno-Typist Grade-I from the year 1989.

2. The second respondent had filed a counter affidavit and strongly opposed the writ petition. When the writ petition came up for final hearing before this Court on

05.02.2013, Mr. P. Thiagarajan, competent counsel, made heated arguments on behalf of the petitioner and the highly competent Additional Government Pleader for the first respondent and the learned Government Advocate for the second respondent had also made heated counter arguments. Then, this Court passed an order on merits and quashed the impugned orders of the second respondent vide Proc. Nos. 3760/A2/2002-1, 13760/A2/2002-2, 13760/A2/2002-3 and 13760/A2/2002-4, dated 20.02.2004, since they were not capable for further processing.

3. However, this Court's order had not been carried out by the competent top most I.A.S. Officer i.e., second respondent in the writ proceedings, within a reasonable period. Therefore, the writ petitioner issued a legal notice to the second respondent on 20.03.2013 and requested him to carry out the order dated 05.02.2013 passed in W.P. No. 8743 of 2004. After receipt of the said notice, the recognized officer had not done so. Hence, the writ petitioner has initiated the contempt proceedings.

4. When the matter came up for hearing on 19.08.2013, the highly competent Additional Advocate General appearing for the first respondent has vehemently argued that in order to carry out this Court Order, a lengthy administrative process had to be observed and hence, the delay was caused. There is absolutely no disrespect with the Court's order. The second respondent, a top most I.A.S. Officer, is always maintaining great respect with this Court's Order, as such after following lengthy administrative process, the second respondent had duly executed this Court's order on 23.08.2013 in his proceedings No. 13760/A0-2/2002. As such, the contempt proceedings is not maintainable against the respondents since there is no disobedience or wilful or wantonness to execute this Court's Order.

5. The highly competent Government Advocate appearing for the first respondent has adopted the arguments advanced by the learned Additional Advocate General.

6. The highly competent counsel for the writ petitioner has argued that the second respondent had issued orders to the writ petitioner on 23.08.2013 as such, the writ petitioner's remedy had been granted and as such this Court's order had been duly executed. Due to some delay, the contempt proceedings had been initiated against the respondents as such there is no lack of service on the side of the respondents.

7. On considering the submissions made by the learned counsels on either side and on verifying the second respondent's order dated 23.08.2013, this Court does not find any discrepancy or shortcomings or lapse or lack of service on the side of the second respondent. This Court, after seeing this execution order, is fully satisfied with the said officer and this Court appreciates his effective service and who has also showed due respect to this Court, as such the contempt proceedings stand failed. In the result, this contempt petition is dismissed, since the top most I.A.S. Officer had duly executed this Court's order dated 05.02.2013, made in W.P. No. 8743 of 2004. No costs.