

Dr.S.Loganathan Vs. Dr.P.Subbian

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Court : Chennai

Decided On : Apr-17-2013

Judge : The Hon'ble Mrs. Justice R.BANUMATHI

Appellant : Dr.S.Loganathan

Respondent : Dr.P.Subbian

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS DATED:

17. 04.2013 Coram The Hon'ble Mrs. Justice R.BANUMATHI Contempt Petition No.1958 of 2011 Dr.S.Loganathan Petitioner Vs. 1.Dr.P.Subbian, Registrar, Tamil Nadu Agricultural University, Coimbatore

003. 2.Dr.T.Jayaraj, Director, Tamil Nadu Rice Research Institute, Tamil Nadu Agricultural University, Aduthura

101. 3.Dr.R.Vaidanathan, Professor and Head, Regional Research Station, Virudhachalam. Respondents Prayer: Contempt Petition filed under section 11 of Contempt of Courts Act praying to punish the respondents for the wilful disobedience of the order dated 22.01.2011 in W.P.No.7449 of 2006 on the file of this Court. For Petitioner : Mr.G.K.Shanthirajan for M/s.Sai, Bharath and Ilan For Respondents : Mr.Abdul Saleem, Addl.Govt.Pleader for RR.1 to 3. ORDER Alleging wilful disobedience of the Order dated 22.01.2011 in W.P.No.7449 of 2006, the petitioner has preferred this contempt petition.

2. The writ petition was allowed by passing the following order: "7.The impugned order of the second respondent dated 17.05.2002 is quashed and the writ petition is allowed. The respondents are directed to consider the option of the petitioner to treat the leave period as (i) Earned Leave 90 days (ii) Leave on Loss of Pay - 167 days and pass appropriate orders in accordance with law. It is also open to the University to adjust the amount of subsistence allowance already paid to the petitioner during the suspension period. The respondent University shall pass appropriate orders within a period of eight weeks from the date of receipt of a fresh representation from the petitioner by enclosing a copy of this order. No costs" Pursuant to the above said order, the respondent Tamil Nadu Agricultural University has issued proceedings not LO/W.P.No.7449/2006 dated 28.3.2013.

3. Learned counsel for the petitioner has submitted that the order passed by the respondent - Agricultural University is not in accordance with the order of this Court and in particular, the observations in paragraph No.7. The learned counsel for petitioner submitted that a specific direction was given to the respondent - Agricultural University to treat the leave period of the petitioner as (i) Earned Leave 90 days; (ii) Leave on loss of pay 167 days and while so, the University is not justified in rejecting the request of the petitioner to re-consider the regularisation of his period of suspension and therefore the respondents have committed wilful disobedience of the order passed by this Court.

4. Per contra, the learned counsel for respondent - Agricultural University submitted that the University has issued proceedings not LO/W.P.No.7449/2006 dated 28.3.2013 by referring to the letter of the Government in letter No.23669/AU/2005-7 dated 12.3.2007 of the Special Secretary to Government & Commissioner (DPAP), Agriculture (AU) Department, Secretariat, Chennai and since the clarification by the Government in the said letter dated 12.3.2007 is subsequent to the impugned proceedings of the 2nd respondent in Ref.not DR/TRRI/ADT/ 3398/2002 dated 17.5.2002, if at all the petitioner is aggrieved, it is for the petitioner to challenge the proceedings dated 28.3.2013 .

5. The submissions made by the learned counsel appearing on either side are considered. Having regard to the submissions, since the University has referred to

the subsequent letter of the Government dated 12.3.2007, the contempt petition is closed giving liberty to the petitioner to challenge the proceedings not LO/W.P.No.7449/2006 dated 28.3.2013 and also the said Government letter dated No.23669/AU/2005-7 dated 12.3.2007 by impleading the Government and other necessary parties. 17.04.2013 Index:Yes Internet:Yes usk Note to Office: Issue copy of order on 22.4.2013. Copy to:

1. Dr.P.Subbian, Registrar, Tamil Nadu Agricultural University, Coimbatore

003. 2. Dr.T.Jayaraj, Director, Tamil Nadu Rice Research Institute, Tamil Nadu Agricultural University, Aduthura

101. 3. Dr.R.Vaidanathan, Professor and Head, Regional Research Station, Virudhachalam. R.BANUMATHI,J.

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