

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2015

Coram

THE HONOURABLE MR. JUSTICE R.S.RAMANATHAN

Cont.P.No.1004 of 2015

R.Govindarajulu ..Petitioner

/vs/

1.Thiru.Appurva varma,
The Principal Secretary to Government,
Home (PoIV) Department,
Secretariat,
Chennai-600 009.

2.Thiru.Ashoke Kumar,
The Director General of Police,
Tamil Nadu Police Department,
Chennai-600 004.

3.Thiru.George,
The Commissioner,
Chennai Suburban,
St.Thomas Mount,
Chennai 600 016.

..Respondents

Prayer:

Contempt Petition filed under Sections 11 of
Contempt of Court praying to punish the respondents for
their willful deliberate disobedience of this Court order
dated 19.09.2014 made in W.P.No.4834 of 2014.

For Petitioner	:Mr.E.Sampath Kumar
For Respondents	:Mr.I.Arokiasamy
	Government Advocate

ORDER

By order dated 19.09.2014 made in W.P.No.4834 of 2014, the second respondent in the writ petition namely, the Deputy General of Police, TamilNadu Police Department was directed to consider the case of the petitioner for promotion from 09.10.2012, after punishment period was over.

2. According to the learned counsel for the petitioner, the second respondent did not consider the case of the petitioner for promotion as per the order passed by this Court and therefore, filed this contempt petition.

3. It is submitted by the learned Government Advocate that by letter dated 29.04.2015 made in Rc.No.132604/NGB IV(1)/2014, order was passed stating that up gradation of the petitioner as SSI was not feasible for consideration at present and reasons were also stated. He therefore, submitted that the order was complied with and the petition may be closed.

4. The learned counsel appearing for the petitioner submitted that the second respondent is not considered the case of the petitioner as per the direction given by this Court and they have simply disposed of the representation and therefore, they committed contempt.

5. I am unable to accept the contention of the learned counsel appearing for the petitioner. As stated supra, the order was passed in the main writ petition directing the second respondent to consider the case of the petitioner for promotion, after punishment period was over and the second respondent passed an order stating that the up gradation of the petitioner as SSI was not feasible and stated the reasons. Whether the order passed by the second respondent dated 29.04.2015 is legally sustainable or not, cannot be gone into and as per the direction of this Court, the order was passed by the second respondent. If the

petitioner is not satisfied with the order, remedy open to the petitioner to file a fresh petition challenging that order and he cannot file a contempt petition stating that the order was not complied with. Hence, the contempt petition is dismissed. No costs.

SD/-
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SS/CO/28/12/2015

One CC to The Government Pleader, Sr.No.1004

To

1.Thiru.Appurva varma,
The Principal Secretary to Government,
Home (PoIV) Department, सत्यमेव जयते
Secretariat,
Chennai-600 009.

2.Thiru.Ashoke Kumar,
The Director General of Police,
Tamil Nadu Police Department,
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