

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Contempt Petition No.1249 of 2015

A.Lakshmanan

.. Petitioner

- vs -

N.S.Palaniappa, I.A.S.,
The Secretary to Government,
Public Works Department,
Secretariat, Chennai - 600 009.
Respondent

..

Prayer:- The Contempt Petition has been filed under Section 11 of the Contempt of Courts Act to punish the respondent for having committed contempt of the Court by disobeying the order of this Court dated 17.12.2012 in W.P.No.33707 of 2012.

For Petitioner : Mr.R.Sethuvarayar

For Respondent : Mr.V.Subbiah
Special Government Pleader.

O R D E R

Seeking to punish the respondent for the alleged disobedience of the order of this Court dated 17.12.2012 made in W.P.No.33707 of 2012, the petitioner has come forward with this contempt petition.

2. The petitioner filed the writ petition seeking to regularise his service based on the proposal sent by the 3rd respondent therein dated 14.11.2011 and this Court by an order

dated 17.12.2012, has directed the first respondent viz., the Secretary to Government, Public Works Department to consider and dispose of the petitioner's representation dated 13.10.2011 on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of the said order.

3. The learned counsel appearing for the petitioner would submit that the respondent herein has considered the same and rejected the request of the petitioner. He would further submit that challenging the vires of the said proceedings of the respondent, a writ petition has already been filed and it is pending adjudication before this Court. The grievance expressed by the petitioner is that though a copy of the order of this Court was dispatched as early as on 10.01.2013, the respondent has passed the order only on 13.02.2014 nearly after one year and therefore he has committed contempt.

4. Per contra, Mr.V.Subbiah, learned Special Government Pleader, on instructions, would submit that necessary particulars were called for and therefore sometime was taken to gather all the particulars and after collecting all the particulars, the respondent has passed the order and he would further add that the delay in passing the order is neither wilful nor wanton and it was only due to genuine reasons.

5. This Court after considering the rival submissions is of the view that the respondent has satisfactorily explained the

delay in passing the order and it is also pointed out that challenging the legality of the same, a writ petition has also been filed and pending adjudication on the file of this Court.

6. In the light of the same, no case has been made out for contempt and accordingly the contempt petition is closed leaving it open to the petitioner to workout his remedy in the pending writ petition. No costs.

kk

SD/-
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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One CC to The Government Pleader, Sr.No.10848

One CC to Mr.R.Sethuvarayar, Advocate Sr.No.10806.

To

The Secretary to Government of Tamil Nadu
Public Works Department, Secretariat,
Chennai.