

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:27.04.2015

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL

Contempt Petition No.2367 of 2014

K.S.Ramakrishnan
Gr. I, PC 8484,
B-2, Esplanade Police Station (Crime)
Chennai 600 104. Petitioner

Vs.

- 1.Thiru S.George, I.P.S.,
Commissioner of Police,
Chennai Police,
Vepery, Chennai - 600 007.
- 2.Thiru C.Sridhar, I.P.S.,
Joint Commissioner of Police,
North Zone, Chennai Police,
Egmore, Chennai - 600 008. Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, 1971 (Central Act 70 of 1971) praying to punish the respondents herein for committing Contempt of Court by willfully and wantonly disobeying the order passed by this Court dated 03.12.2013 made in W.P.No.24863 of 2012.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.P.H.Aravind Pandian
Addl. Advocate General
Asst. by Mr.T.N.Rajagopalan
Special Government Pleader
Mr.I.Arokiasamy,
Government Advocate

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> At the outset, it is to be pointed out that this Court, on 03.12.2013 in W.P.No.24863 of 2012 (filed by the

Petitioner) in paragraph 6, had, *inter alia*, directed the Respondents to consider the representation of the Petitioner dated 13.05.2011 in right earnest and also in dispassionate manner within a period of six weeks from the date of receipt of copy of this order and to dispose of the same in the manner known to Law and in accordance with Law.

2.The Learned Additional Advocate General for the Respondents brings it to the notice of this Court that the 2nd Respondent, in Na.Ka.No.1243/20539/Pa.Pe 2(1)/Va/2012 dated 22.04.2015, had promoted the Petitioner as Head Constable for the reasons mentioned therein. Further, it is also represented on behalf of the Respondents that the Petitioner's representation dated 13.05.2011 was directed to be considered as per order dated 03.12.2013 passed by this Court in W.P.No.24863 of 2012 and the same was complied with. However, on the side of the Petitioner, this plea of the Respondents is not accepted.

3.Admittedly, the 2nd Respondent had issued the Proceedings dated 22.04.2015 promoting the Petitioner as Head Constable for the detailed reasons assigned therein. If at all the Petitioner has any grievance in regard to the Proceedings dated 22.04.2015 issued by the 2nd Respondent, then, it is open to him to assail the same in the manner known to Law and in accordance with Law.

4. That apart, on behalf of the Respondents, it is also brought to the notice of this Court that the arrears due to be paid to the Petitioner has also been sent through E.C.S. Mode.

5. The Learned Counsel for the Petitioner has made the following endorsement in the Contempt Petition:

"The Petitioner's grievance regarding granting Head Constable and SS I Promotion as per G.O.Ms.No.15, Home dated 7.1.2010 is still not fully complied with. Reserving the right of the Petitioner to seek separate remedy by filing fresh Writ Petition the above Cont. Petn. may be closed granting due liberty."

6. In view of the fact that there is divergent of opinion on both sides in regard to the subject matter in issue, this Court, recording the endorsement made by the Petitioner dated 27.04.2015 as stated supra, closes the Contempt Petition, but grants liberty to the Petitioner to assail the order dated 22.04.2015 of the 2nd Respondent before the Competent Forum in the manner known to Law and in accordance with Law. It is made clear that respective parties are entitled to raise all factual and legal pleas before the concerned appropriate forum, if any legal proceedings are instituted on behalf of the aggrieved party.

7.With the aforesaid observations, the Contempt
Petition is closed. No costs.

Sgl

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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format.

KMV/08/05/2015

One CC to Mr.K.M.Ramesh, Advocate, SR.6304

To

1.Thiru S.George, I.P.S.,
Commissioner of Police,
Chennai Police,
Vepery, Chennai - 600 007.

2.Thiru C.Sridhar, I.P.S.,
Joint Commissioner of Police,
North Zone, Chennai Police,
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