

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:3-6-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Cont.P.No.442 of 2015

Bijaya Kumar Behera ... Petitioner

Versus

- 1.R.K.Mathur
Rep. by its Secretary, Govt. of India,
Ministry of Defence, Govt. of India,
New Delhi.
- 2.Vice Admiral A.G.Thapliyal,
The Director General (HQ)
Indian Coast Guard,
National Stadium Complex,
Purana Quilla,
New Delhi-110 001.
- 3.R.Singh,
Additional Director General,
Indian Coast Guard,
National Stadium Complex,
Purana Quilla,
New Delhi-110 001.
- 4.D.S.Saini,
The Officer in Charge, (Coast Guard)
Bureau of Naviks,
Cheetah Camp,
Mankhurd,
Mumbai-400 088.
- 5.Mr.T.Sasikumar,
The Commander (for CSO P & A),
Regional Head Quarters, (East),
Napier Bridge,
River Coovam Mouth,
Chennai-600 009.
- 6.G.M.Srinivas,
The Commanding Officer,
Indian Coast Guard Air Station (CH)
Quindras Road,
St. Thomas Mount,
Chennai-600 016.

7. Ajay Sood,
The Squadron Commander,
848 SQN (CO),
Rudra Road,
St. Thomas Mount,
Chennai-600 016.

... Respondents

This contempt petition is filed under Section 11 of the Contempt of Court Act to punish the respondent for wilful disobedience of the order of this Hon'ble Court dated 26.11.2013 passed in W.P.No.24685 of 2013.

For Petitioner : Mr. R. Singaaravelan
For Respondent : Mr. Su. Srinivasan
Addl. Solicitor General

ORDER

The above contempt petition has been filed for compliance of the order of this court dated 26.11.2013 by which this Court directed the 4th respondent to issue no objection certificate.

2. The matter was heard. It was pointed out by Mr. Su. Srinivasan, Assistant Solicitor General that the petitioner is an Entrolled Personnel in Metrological Department and his service cannot be dispensed with and therefore, he cannot be granted no objection certificate. He also referred a communication dated 29.4.2015 issued by the Staff Selection Commission informing that based on Indian Coast Guard's Fax No.100/12 dated 10.9.2014 the competent authority had rejected the petitioner's

application for NOC and that the petitioner's candidature had been cancelled on 18.11.2014.

3. When the matter is called today, Mr.Su.Srinivasan, learned Assistant Solicitor General produced a communication dated 2.6.2015 informing compliance of the order of this Court dated 26.11.2013 by the respondents.

4. However, Mr.R.Singaravelan, learned counsel appearing for the petitioner would submit that the issuance of NOC alone is alone not enough and there should be a direction to the Staff Selection Commission to recall the cancellation of the petitioner's candidature and to appoint him.

5. Taking into consideration of the above facts and also considering the cancellation of petitioner's candidature, due to the rejection of petitioner's requisition for NCO by the respondents, it is appropriate to direct the Staff Selection Commission to recall the order dated 18.11.2004 by which petitioner's candidature had been cancelled. This Court further directs the Staff Selection Commission to appoint the petitioner to the post, after getting NOC to be given by the respondent.

6. The 4th respondent is directed to issue NOC to the

petitioner within 10 days from the date of the receipt of a copy of the order and the Staff Selection Commission shall pass orders appointing the petitioner as stated above within two weeks thereafter. Further, the 4th respondent shall also send, copy of NOC directly to the Staff Selection Commission by fax. The contempt petition is disposed of. No costs.

Vk

SD/
DEPUTY REGISTRAR(OS)

//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.

RLD/CO/15/06/2015

To

1.R.K.Mathur

Rep. by its Secretary, Govt. of India,
Ministry of Defence, Govt. of India,
New Delhi.

2.Vice Admiral A.G.Thapliyal,
he Director General (HQ)
Indian Coast Guard,
National Stadium Complex,
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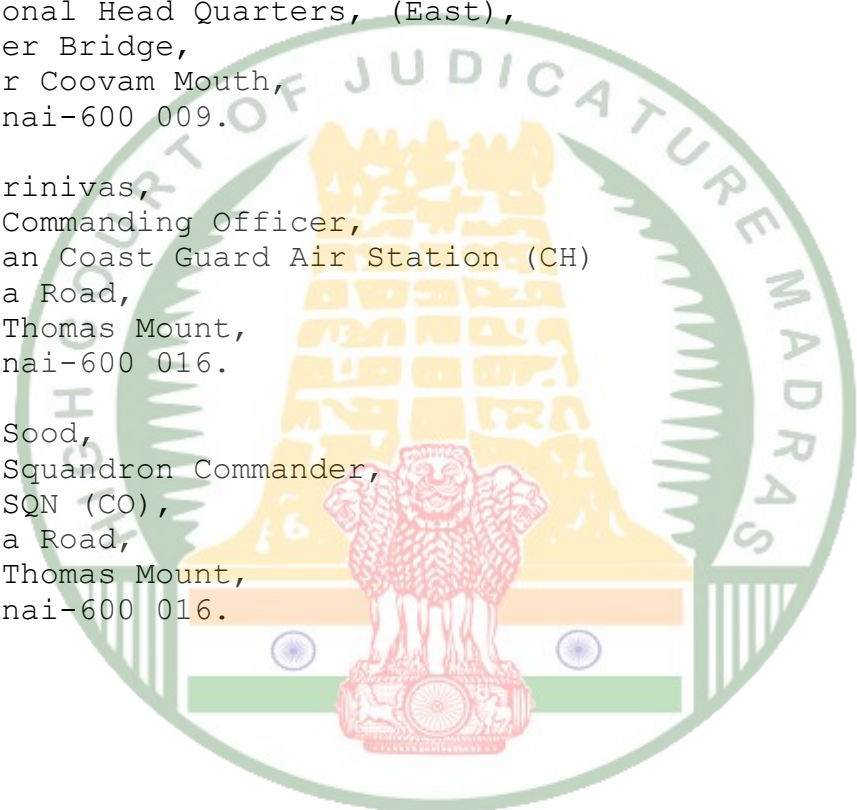
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The Officer in Charge, (Coast Guard)
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The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The lion capital is set against a background of the Indian national flag's saffron, white, and green horizontal stripes. The words 'HIGH COURT OF JUDICATURE MADRAS' are inscribed in a green circular border around the central image. Below the seal, the Sanskrit motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

सत्यमेव जयते

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