

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 15.4.2015

CORAM:

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

Contempt Petition No.3261 of 2014

S.Kaliyamoorthy ... Petitioner

versus

Mr.K.Ramanujam, I.P.S.,
Director General of Police,
Mylapore,
Chennai 4. ... Respondent

Contempt Petition filed under section 11 of Contempt of Courts Act, to punish the respondent for the wilful disobedience of the direction of this Court dated 10.9.2013 in W.P.No.3306 of 2005.

For petitioner Mr.S.S.Swaminathan

For respondent Mr.T.Arokiaswamy, Government
Advocate

O R D E R

This contempt petition is filed complaining that the order passed by this Court in W.P.No.3306 of 2005 dated 10.9.2013 is violated.

2. This Court, in the said order, has set aside the order dated 27.12.2004, passed by the Director General of Police, Mylapore, Chennai -4, rejecting the request of the petitioner for fixing his seniority and remitted the matter back to the said authority to pass fresh orders on merits

and in accordance with law. Thereafter, the first respondent passed proceedings on 3.11.2014, accepting the claim of the petitioner for promotion as Head Constable with effect from 11.4.1995. However, with regard to further promotion to the rank of Sub Inspector, it was intimated therein that appropriate orders on the eligibility of the petitioner for further promotion would be issued separately, since his eligibility for promotion as Sub Inspector with effect from 27.10.2000, the date on which his junior Thiru.M.Moorthy was promoted, will be considered after a detailed examination to decide whether the petitioner has to undergo promotion test.

3. Consequent upon such proceedings dated 3.11.2014, the petitioner was called upon to attend special promotion test on 14.1.2015. However, it is seen that the petitioner has not attended the said written test and consequently, his request for promotion as Sub Inspector (AR) was not considered on par with his junior. The said decision was made through memorandum dated 4.2.2015 and the said proceedings is challenged by the petitioner in W.P.No.5011 of 2015, before this Court. It is said that the said Writ Petition is still pending.

4. Considering the above facts and circumstances, I am
of the view that nothing survives to be adjudicated in this

contempt proceeding, as the respondent herein has passed the order on 3.11.2014, followed by another proceeding dated 4.2.2015, which is the subject matter of another Writ Petition. Therefore, this Court is of the view that the order in W.P.No.3306 of 2005 has been complied with and consequently, the contempt petition cannot be maintained any further. Needless to say that the petitioner is having every right to canvas the correctness or otherwise of the proceedings issued by the respondent before the writ court, which he has already exercised, and the same is pending. Accordingly, the contempt petition is closed. No costs.

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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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SS/CO/20/02/2015

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