

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.8.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Cont.P.No.2845 of 2013

C.Xavier Edmund Ravikumar .. Petitioner

vs.

Dr.Niranjani Mardi
Secretary to Government
Home Department
St. George Fort,
Chennai - 600 009

.. Respondent

This contempt petition has been filed to punish the respondent for his wilful disobedience of the order of this Court as made in W.P.No.9730 of 2013 dated 1.8.2013 and to deal with him in accordance with law.

For petitioner : Mr.V.Ayyadurai

For respondent : Mr.R.Ravichandran
AGP

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ORDER

Heard the learned counsels appearing for the parties concerned.

2. At this stage of the hearing of the contempt petition, the learned Additional Government Pleader

appearing for the respondent had submitted that the order passed by this Court, on 1.8.2013, in W.P.No.9730 of 2013, had been complied with. He had also placed before this Court a Government Order, in G.O.(Ms).No.600, Home (Pol.1A) Department, dated 13.8.2015, in support of his submission.

3. The Government Order, in G.O.(Ms).No.600, Home (Pol.1A) Department, dated 13.8.2015, reads as follows:

"Based on the orders of the High Court of Madras, dated 11.11.2011 in W.P.No.20340 of 2011 filed by Tvl.A.Chockalingam, S.R.J.Indirajith, N.Mohan, S.P.Ramamurthy and C.Xavier Edmond Ravikumar, as per the marks obtained in PTC, their seniority in the rank of Sub-Inspector of Police, Deputy Superintendent of Police and Additional Superintendent of Police were revised in the Government orders 2nd, 3rd and 5th read above respectively.

2. Sequel to the above revisions, the Director General of Police, in the proposal fourth read above, has stated that consequence to the above revision of seniority in the rank of Additional Superintendent of Police (Cat-I), Thiru C.Xavier Edmond Ravikumar becomes eligible for inclusion of his name in the temporary list of Additional Superintendent of Police (Category-I) fit for promotion to the post of Superintendent of Police (Non-Cadre) for the year 2011-2012 approved in G.O.(Ms).No.729, Home (Pol.1A) Department, dated 2.11.2011 as Sl.No.3A between Thiru

K.V.Kabilan (Sl.No.3) and Thiru C.Rajendran (Sl.No.4) since they were also promoted as Superintendent of Police (Non-Cadre) for the year 2011-2012 and to promote Thiru C.Xavier Edmond Ravikumar notionally as Superintendent of Police (Non-Cadre) w.e.f. 8.11.2011 as his junior Thiru C.Rajendran assumed charge of the post on 8.11.2011.

3. After careful examination of the proposal of the Director General of Police, the Government have decided to accept it. Accordingly, the Government order that the name of Thiru C.Xavier Edmond Ravikumar is included as Sl.No.3A between the names of Thiru K.V.Kabilan (Sl.No.3) and Thiru C.Rajendran (Sl.No.4) in the temporary panel of ADSPs (Cat.I) fit for promotion to the post of Superintendent of Police (Non-Cadre) for the year 2011-2012 approved in the Government Order first read above and his pay shall be fixed as per the first proviso to ruling 17 under FR 27.

4. The Government also order that the above revision is provisional subject to the outcome of the SLP to be filed against the orders of the Hon'ble High Court, dated 11.11.2011 in W.P.No.20430 of 2011 and subject to review to be filed based on the orders to be passed by the Supreme Court of India, in SLP Nos.447-448/2008 pending before the Supreme Court of India and also subject to the undertaking to be given by the individual for having agreed to the above condition and that any monetary benefits received by them based on this provisional revision of seniority should be refunded in one lump sum."

4. In such circumstances, in view of the submissions made by the learned Additional Government Pleader appearing for the respondent and in view of the Government Order, in G.O.(Ms).No.600, Home (Pol.1A) Department, dated 13.8.2015, this Court is of the view that no further orders are necessary in the present writ petition. Hence, the writ petition stands closed. No costs. Connected Sub Application No.717 of 2013 is closed.

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SD/
DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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To
Dr.Niranjan Mardi
Secretary to Government
Home Department
St. George Fort,
Chennai - 600 009

JM/CO/02/04/2016

One CC to Government Pleader, SR.10689/2015