

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2016

CORAM

THE HONOURABLE MR. **JUSTICE S.VAIDYANATHAN**

Contempt Petition No.2489 of 2015

R.Pugazhendhi

... Petitioner

vs.

1.K.Balachandran

2.D.Subramanian

... Respondents

PRAYER: Contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for their act of wilfull and wanton and disobedience of the order of this Court passed in W.P.No.3685 of 2011 dated 09.09.2014.

For Petitioner : Mr.M.Ramdoss

For Respondents : Mr.C.Munusamy
Senior Counsel

ORDER

This Court, by an order dated 09.09.2014 made in W.P.No.3685 of 2011, directed the respondents to consider the case of the petitioner on merits for compassionate appointment, Class III or Class IV appointment, after verifying all the records produced by the petitioner and if the petitioner is otherwise suitable, his case may be considered on merit de hors the fact that his mother's request for compassionate appointment was rejected earlier

and for the misconduct committed by the mother, the son should not be put to hardship. Since the said order has not been complied with by the respondents herein as directed by this Court, the present contempt petition has been filed.

2. Today, when the matter was taken up for consideration, learned Government Advocate appearing for the respondents submitted that the petitioner's name stood as R.Gubendran in the Ration Card and subsequently, Gazette Publication was effected by the petitioner under part-VI (4) dated 11.10.2006 and on further verification of school certificate, the name of the petitioner stood as R. Pugazhenthir and he has not yet produced his Birth Certificate to the Department. He further submitted that it is doubtful that whether the petitioner and his mother are legal representatives of the deceased or not. The Chennai (South) Regional Manager, Tamilnadu Civil Supplies Corporation, Chennai, has recommended to take action on the petitioner and his mother for misconduct committed by them in order to obtain compassionate appointment.

3. He further submitted that as per G.O.Ms.No.120 dated 26.06.1995, his representation cannot be considered and a copy of the same has been produced.

4. Taking note of the fact that the representation has

been considered and rejected on 19.08.2016, it is open to the petitioner to challenge the same in accordance with law.

5. Recording the said submission made by the learned Government Advocate appearing for the respondents, the contempt petition is closed.

gv

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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