

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2016

CORAM

THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Contempt Petition No.2819 of 2015

T.Radhakrishnan

... Petitioner

vs.

1.K.Rajaraman, I.A.S.,
Principal Secretary to Government,
Tourism Culture and Religious
Endowment Department,
Secretariat, Chennai-9.

2.Har Sahaymeena, I.A.S.,
The Commissioner of Tourism,
Tamil Nadu Tourism Complex,
Wallajah Road, Chennai-2.

... Respondents

Contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents herein for wilful disobedience of the order of this Court dated 4.12.2013 made in W.P.No.31008 of 2013.

For Petitioner : Mr.L.P.Maurya

For Respondents : Mr.R.Rajeswaran,
Spl. Govt. Pleader

ORDER

Alleging that the order of this Court dated 4.12.2013 made in W.P.No.31008 of 2013 has not been complied with, the present contempt petition has been filed.

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2. This Court, by an order dated 4.12.2013 made in W.P.No.31008 of 2013, directed the respondents herein to

consider the representation of the petitioner dated 18.8.2010 in the light of the orders passed by the Tamil Nadu Administrative Tribunal in O.A.No.4149 of 1993 and the order of the Division Bench of this Court in W.A.No.634 of 2011. Alleging that the said order has not been complied with, the present contempt petition has been filed.

3. It is the main contention of the learned counsel appearing for the petitioner that had the representation of the petitioner been considered in the light of the orders passed by the Tamil Nadu Administrative Tribunal in O.A.No.4149 of 1993 and the order of the Division Bench of this Court in W.A.No.634 of 2011, the Government ought to have revised the petitioner's pay with effect from 1.9.1988 in the post of Tourist Officer and ought to have revised his pension accordingly.

4. The learned Special Government Pleader, by filing a detailed counter, submitted that the petitioner was promoted as Tourist Officer on 1.7.1994 and he assumed charge as Tourist Officer on 6.7.1994. As per the order of this Court dated 4.12.2013 in W.P.No.31008 of 2013, the panel for the year 1988-89 which came into force with effect from 6.11.1992 was revised and accordingly, orders have been issued in G.O.(Ms) No.139, Tourism, Culture and Religious Endowments (T2) Department dated 27.5.2015 by including the petitioner's name in the panel list as

Sl.No.1 and monetary benefit was also awarded with effect from 6.7.1994 i.e., from the date of assumption of charge

as Tourist Officer. Accordingly, his pay was also re-fixed and arrears of pay and allowance of Rs.40,419/- was disbursed by demand draft on 5.2.2016. The panel year 1988-89 came into force with effect from 6.11.1992 onwards vide G.O.Ms.No.216, Information and Tourism (T2) Department, dated 20.7.1993. In between the period of 1.9.1988 and 6.11.1992, stay order was in existence and no juniors of the petitioner was either promoted or had acted as Tourist Officer. Hence, retrospective effect was given with effect from 6.11.1992 as per G.O.Ms.No.216, Information and Tourism (T2) Department, dated 20.7.1993. Thus, he sought for the dismissal of the contempt petition.

5. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record.

6. It is the main contention of the learned counsel appearing for the petitioner that as per the order of this Court, the representation of the petitioner has not been considered in the light of the orders passed by the Tamil Nadu Administrative Tribunal in O.A.No.4149 of 1993 and the order of the Division Bench of this Court in W.A.No.634 of 2011. But, the said contention was denied by the respondents stating that since there was a stay in between 1.9.1988 and 6.11.1992, the panel for the year 1988-89 which came into force with effect from 6.11.1992 was revised and accordingly, orders have been issued in G.O.(Ms) No.139, Tourism, Culture and Religious Endowments

(T2) Department dated 27.5.2015. Therefore, absolutely, there is no disobedience on the part of the respondents. But, according to the learned counsel appearing for the petitioner, the said GO has been issued without considering the orders passed by the Tamil Nadu Administrative Tribunal in O.A.No.4149 of 1993 and the order of the Division Bench of this Court in W.A.No.634 of 2011. But, in my considered opinion, if the petitioner is aggrieved over the said order, he has to work out his remedy by way of separate proceedings.

7. Since already G.O.(Ms) No.139, Tourism, Culture and Religious Endowments (T2) Department dated 27.5.2015 has been passed by placing the petitioner in Sl.No.1 with effect from 6.11.1992 in the post of Receptionist Grade-II, I am of the opinion, nothing survives in this contempt petition and the contempt petition is closed. However, if the petitioner is aggrieved over the said order, he is at liberty to work out his remedy in a manner know to law, if he is so advised.

sbi

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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