

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2016

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU

Contempt Petition No.717 of 2015

C.Kalayansundaram .. Petitioner

Vs.

1. R.Venkatesan, IAS
Secretary to Government
State of Tamil Nadu
Revenue Department
Secretariat, Chennai 600 009.
 2. Dr.T.S.Sridhar, IAS
Special Commissioner and Commissioner
of Revenue Administration
Ezhilagam, Chepauk
Chennai 600 005.
 3. Dr.L.Subramanian, IAS
District Collector
Madurai District
Madurai.
- .. Respondents

Petition against the wilful disobedience of the order
dated 09.4.2014 made in W.P.No.3559 of 2014.

For Petitioner : Mr.K.M.Vijayan, S.C.
For M/s. K.M.Vijayan Associates
For Respondents : Mr.R.Rajeswaran, Spl.G.P.(W)

O R D E R

Alleging that the order of this Court dated 09.4.2014 made in W.P.No.3559 of 2014 has not been complied with by the respondents, the petitioner has come up with this contempt petition.

2. The learned senior counsel appearing for the petitioner submits that this Court, by the order in the writ petition, directed the respondents to include the petitioner in the panel of Deputy Tahsildars for the year 2007 at Madurai District, with seniority, continuity of service and the monetary benefits. The learned senior counsel would point out that the District Collector, by his proceedings in Roc.No.32297/2010/A1 dated 28.11.2014 has issued notification revising the list of Deputy Tahsildars for the year 2007 wherein the petitioner has been kept at seniority No.31(A). The learned senior counsel would submit that there are 31 persons above the petitioner, out of whom, except rank No.1 - P.Tamilselvi, all the others are juniors and therefore, the fixation of seniority so far as the petitioner is concerned, is incorrect. Thus, according to the learned senior counsel, the respondents have committed contempt by not obeying the orders of this Court scrupulously.

3. The learned Special Government Pleader would submit that the order has been duly complied with. According to him, the persons mentioned in rank Nos.2 to 31 in the

notification dated 28.11.2014 passed by the District Collector, were all working as Assistants at least from the year 1997, whereas the petitioner's initial appointment in Nagapattinam District itself was in the year 2001. Therefore, according to the learned Special Government Pleader, the petitioner was kept below these 31 persons. In order to substantiate his contention, the learned Special Government Pleader has produced the District Gazette dated 02.8.1997, wherein it is reflected that these 31 persons mentioned in the notification dated 28.11.2014 are seniors to the petitioner in the post of Assistant.

4. But, the learned senior counsel appearing for the petitioner would submit that the correctness of the said claim made by the petitioner has to be examined and he has got doubt about the same.

5. In my considered view, whether the persons mentioned as rank Nos. 2 to 32 in the order dated 28.11.2014 are actually seniors to the petitioner or not, can be challenged by the petitioner in an independent writ petition and in this contempt petition, these issues cannot be gone into, that too, without hearing those 31 persons. Therefore, I leave it open. *Prima facie*, I am satisfied that the respondents have complied with the order and therefore, I am not inclined to proceed further in this contempt petition. However, I make it clear that this order

remedies in respect of his seniority in the post of Deputy Tahsildar. It is also brought to my notice by the learned senior counsel for the petitioner that the arrears of salary has already been paid to the petitioner, as per the direction of this Court, during the pendency of the contempt petition.

In view of the above, the contempt petition is closed.

Kpl

SD/-
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER (O.S.)

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SS/CO/02/02/2016

One CC to The Government Pleader, Sr.No.229

One CC to M/S.K.M.Vijayan Associates, Sr.No.261

To

1. The Secretary

Government of Tamil Nadu
Revenue Department
Secretariat, Chennai 600 009.

2. The Special Commissioner and Commissioner
of Revenue Administration
Ezhilagam, Chepauk
Chennai 600 005.

3. The District Collector
Madurai District
Madurai.