

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

C O R A M :

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

Contempt Petition No.231 of 2016
and Sub Appln Nos.27 & 60 of 2016

S.K.M.Sivakumaran ... Petitioner

vs.

1. Apoorva Varma
Principal Secretary,
Home Transport (II) Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

2. A.Veerapandian,
Joint Transport Commissioner (A),
Ezhilagam, Chepauk,
Chennai-600 005. ... Respondents

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondent for having disobeyed the order dated 19.02.2014, in W.P.No.15889 of 2013.

For petitioner : Mr.N.G.R.Prasad for
M/s.Row and Reddy

For respondent : Mr.P.H.Arvinth Pandian, AAG-IV,
assisted by Mr.P.Sanjay Gandhi,

AGP

O R D E R

This Contempt Petition has been filed praying that this Court may be pleased to punish the respondent for having disobeyed the order passed by this Court, on 19.02.2014, in W.P.No.15889 of 2013. 2. By order, dated 19.02.2014, this Court while allowing the above said writ petition, directed the respondents 1 and 2 to prepare a seniority list of eligible Motor Vehicle Inspector Gr-I and II by placing the petitioner above the direct recruits, viz., respondents 4 and 5 and promote him as Deputy Transport Commissioner on that basis.

3. Though the above said order has been passed as early as 19.02.2014, the same has not been complied with by the respondents. Hence, the petitioner has come forward with the present contempt petition.

4. When this Contempt Petition is taken up for hearing, the learned Additional Advocate General appearing for the respondents has placed before this Court, proceedings in G.O.(D) No.328 Home (Transport-II) Department, dated 20.04.2016 passed by Tamil Nadu Government, complying with the order passed by this Court dated 19.02.2014 in W.P.No.15889 of 2013. A copy of the said G.O., has also been handed over to the learned counsel appearing for the petitioner.

5. In the above said G.O., in para 9, it has been stated as under:

<https://hcservices.ecourts.gov.in/hcservices/>

"9. The Government, after careful

examination, of the proposal of the Transport Commissioner, have decided to implement the orders of the Hon'ble High Court of Madras, dated 19.2.2014 in W.P.No.15889 of 2013 in the reference first read above. Accordingly, the Government direct that Thiru S.K.M.Sivakumaran, Regional Transport Officer be promoted as Deputy Transport Commissioner temporarily in relaxation of Rule 3 of the Tamil Nadu Transport Service relating to completion of prescribed norms and subject to the outcome of the SLP filed before the Supreme Court of India. His seniority in the said post will be fixed only after the disposal of the SLP read in the reference 4th read above."

In view of the above, as no further orders are necessary, the Contempt Petition stands closed. No costs.
suk

SD/

DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

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COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

CO/29/04/2016

One CC to M/S.Row & Reddy, SR.5283/2016