

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 11-08-2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

CONTEMPT PETITION No.1342 OF 2014

1. P.Bhaskaran
2. Mrs.Vatsala Vidyananthi ... Petitioners

-VS-

1. Thiru Rejeev Ranjan
2. Thiru N.Periyaraj ... Respondents

Petition under Section 11 of the Contempt of Courts Act, to punish the respondents, for willful disobedience of the order of this Court made in W.P.No.38885 of 2005 dated 11.12.2012.

For petitioner : Mr.L.Chandrakumar

For respondents : Mr.K.Venkatramani, assisted by
Mr.O.R.Maheshwaran, GA

ORDER

This Contempt Petition has been moved for non-compliance of the order dated 11.12.2012 passed by this Court in W.P.No.38885 of 2005. The operative portion of the direction given by this Court in para 5 of the order, is extracted hereunder:

"5. There is no dispute that the petitioners had participated in the selection conducted pursuant to the notification issued in the year 1992 and there is also no dispute that based on that, though their names were included in the Reserve

List, they were given appointment and they joined duty on 07.03.1996, 23.02.1996 and 21.02.1996 respectively and they had also completed their probation based on their appointment. As far as the stand of the learned Additional Government Pleader that though they were appointed in the year 1996 based on their inclusion in the Reserve List, that will not confer any right on them is concerned, having placed the petitioners under probation and also having made declaration of probation, this stand of the learned Additional Government Pleader is totally unsustainable. Apart from this, if the petitioners cannot get any right based on their appointment, then, this Court is not able to understand as to why commencement of probation was made based on their appointment in February and March, 1996. As such, this stand of the learned Additional Government Pleader is totally devoid of merits. Consequently, the rank assigned to the respective petitioners in the seniority list dated 03.02.2005 in the post of Assistant Engineers is set aside and a direction is also issued to the respondents to restore the rank assigned to them based on their appointment pursuant to 1992 selection and give the consequential benefits to the petitioners. The writ petition is disposed of accordingly. No costs."

2. The learned counsel would submit that as against the above order, a writ appeal in W.A.No.939 of 2014 has been preferred. The learned Division Bench of this Court, disposed of the said writ appeal on 17.7.2014 confirming the order passed by the learned single Judge. Thereafter, the Government has issued G.O.Ms.No.50 Highways and Harbour (KH1) Department dated 24.4.2015 implementing the order passed by this Court. However, it is stated that while implementing the order, seniority has not been given effect to.

3. It is represented by the learned Additional Advocate General that the seniority has not been assigned in view of the pendency of another proceedings in W.P.No.20352 of 2015 in which, this Court has granted interim stay of implementation of the above said G.O.

4. Considering the fact that G.O.Ms.No.50 dated 24.4.2015 has been issued only in pursuant to the direction passed by the learned single Judge of this Court which was confirmed by the Division Bench and in view of the interim stay of implementation of the G.O., the respondents are unable to comply with the order in letter and spirit. However, it is represented that subsequently, the interim stay granted by this Court stands vacated and hence, there is no impediment for the respondents to comply with the order in its letter and spirit.

V.PARTHIBAN, J.

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Accordingly, the Contempt Petition is closed, directing the respondents to comply with the order forthwith. However, it is made clear that such implementation would be subject to the result of the Writ Petition in W.P.No.20352 of 2015. No costs.

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11.08.2017



CONT.PETN.NO.1342 OF 2014

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