

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Cont.P.No.1865 of 2015

A.Marimuthu ... Petitioner

Vs

1. Apurva Varma, I.A.S.,
Home Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2. Ashok Kumar, I.P.S.,
Director General of Police,
Kamarajar Salai,
Chennai - 600 084.

3. A.Amalraj, I.P.S.,
Commissioner of Police,
Salem City, Salem.

... Respondents

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for disobeying the order of this High Court in W.P.No.17480 of 2012 dated 10.07.2012.

For Petitioner : Mr.R.Sethuvarayar

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

The present Contempt Petition is filed against the

order dated 10.07.2012 passed in W.P.No.17480 of 2012.

This Court passed an order on 10.07.2012 and the paragraph 9 is extracted here under:

"9. In the light of the said submission, respective impugned orders dated 04.01.2012 (W.Ps.17477, 17478, 17480 to 17489/2012), 23.11.2011 (W.P.17479/2012) and 23.08.2011 (W.P.17481/12) are set aside. The respondents are directed to re-consider the claim made by the petitioners, based on the Government Orders referred above, bearing-in-mind, the earlier orders of this Court and pass fresh orders. Necessary orders are directed to be passed within a period of four months from the date of receipt of a copy of this order.

All the writ petitions are disposed of with the above directions. No costs."

2. The learned counsel appearing on behalf of the petitioner states that the order impugned in the writ petition was set aside and a direction was issued to the respondents to re-consider the claim made by the petitioner based on the Government Orders. However, the respondents have not re-considered the claim of the writ petitioner and once again passed the rejection order on the same ground.

3. The learned Counsel for the petitioner urged this Court by stating that the respondents have not re-considered the entire issue and passed a fresh order.

Contrarily, they have issued an order which was already passed in the original impugned order. This Court is of the opinion that this Court has passed an order directing the respondents to re-consider the claim made by the petitioner based on the Government Orders and further directed to pass a fresh order, within a period of four months. Accordingly, the respondents have passed a fresh orders in proceedings dated 27.12.2012.

4. When this Court in earlier occasion had not adjudicated the merits and demerits of the case in the writ petition, now this Court cannot direct the respondents to pass an order in favour of the writ petitioner. The ultimate grievances of the writ petitioner in the writ petition was to re-fix the scale of pay. When the direction was issued to the respondents to re-consider the issue, this Court did not mean that the pay should be revised to the writ petitioner and the only direction was to re-consider the entire issue and pass a fresh order.

5. Such being the direction issued by this Court, this Court cannot invoke the powers under the Contempt of Court Act to convict the officials. It is for the writ petitioner to challenge the order passed, pursuant to the

with law. Thus, no further consideration is required in this Contempt Petition.

Accordingly, the Contempt Petition stands closed. However, there shall be no order as to costs.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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CO/13/03/2018

one cc to the Government Pleader, SR.No.15196.

To.

1. The Director of Elementary Education,
College Road,
Chennai - 6.
2. The Chief Educational Officer,
Ramanathapuram District.
3. The District Elementary Educational Officer,
Ramanathapuram District.



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