

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Cont.P.No.2445 of 2015
and
W.P.No.15343 of 2015
and M.P.No.2 of 2015 in W.P.No.15343 of 2015

S.Sathishkumar ... Petitioner in both Contempt
Petition and Writ Petition

Vs.

Mr.K.A.Balachandran,
Managing Director,
Tamil Nadu Civil Supplies Corporation Limited,
Old No.42, New No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

... Respondent in Contempt Petition

1. Tamil Nadu Civil Supplies Corporation Limited,
Represented by its Managing Director,
Old No.42, New No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.

2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation Limited,
Villupuram Region,
No.1, Hospital Road, Villupuram.

.. Respondents in Writ Petition

Contempt Petition filed under Section 11 of the
Contempt of Courts Act to punish the respondent for having
committed civil contempt of the order of this Court in
M.P.No.2 of 2015 in W.P.No.15343 of 2015, pronounced on
27.05.2015 and award costs.

Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of
Certiorari Mandamus to call for the records of the
first respondent in connection with

the impugned proceedings Ref.No.Roc.No.AE13/17268/2015-5 (Se.Mu.Aa.No.A.E.13/17268/2015-5), dated 19.05.2015 and quash the same and further direct the respondents to provide reasonable opportunity to the petitioner to pass District Office Manual Test and extend the period of passing of the District Office Manual Test appropriately.

For petitioner in both
Contempt Petition and Writ Petition : Mr.V.Prakash,
Senior Counsel for
Mr.K.Sudalaikannu

For respondents in both
Contempt Petition and Writ Petition : Mr.C.Munusamy

COMMON ORDER

Though the Contempt Petition is listed for disposal, in view of the subsequent development, both the Contempt Petition and Writ Petition are taken up for disposal.

2. It is submitted by the learned Standing Counsel appearing for the respondents that the impugned order in the Writ Petition itself was not given effect to and the petitioner has been given the benefit of restoration to the same post of Junior Quality Inspector with effect from 01.01.2016, as per the order dated 04.08.2016 passed by the Managing Director of the Tamil Nadu Civil Supplies Corporation, Chennai. Learned Standing Counsel further submitted that even before the said order is communicated to him, the petitioner has managed to get a copy of the order and approached this Court and the Department is willing to restore him to the same post with effect from

19.05.2015 and that the respondents have no intention to disobey the order of this Court, much less the order passed by this Court on 27.05.2015 in M.P.No.2 of 2015 in W.P.No.15343 of 2015, which was extended from time to time.

3. Since it has been stated across the Bar by the learned Standing Counsel for the respondents-TNCSC that the petitioner would be extended the necessary benefits and his position in the post of Junior Quality Inspector would be restored with effect from 19.05.2015, as if he has not been reverted from the post, I find that there is no need to further adjudicate anything in the Contempt Petition and the Writ Petition. The above submission of the learned Standing Counsel for the respondents-TNCSC is accepted by the learned Senior Counsel appearing for the petitioner and learned counsel for both parties submitted that both the Contempt Petition and the Writ Petition may be disposed of and time may be fixed for the respondents to grant the necessary monetary benefits to the petitioner.

4. While recording the above submissions made by the learned Standing Counsel for the respondents, the respondents are directed to extend necessary monetary benefits to the petitioner, if he is otherwise eligible for the same, with effect from the date of reversion, namely from 19.05.2015 till the actual date of restoration and the said monetary benefits shall be paid within a period of eight weeks, i.e. preferably before 31.05.2017.

5. With the above observations and directions, both the Contempt Petition and the Writ Petition are disposed of. No costs. The Miscellaneous Petition is closed.

SD/-
JOINT REGISTRAR (OS) I/C

cs

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GSR/CO/21/06/2017

Copy to

1. Tamil Nadu Civil Supplies Corporation Limited,
Represented by its Managing Director,
Old No.42, New No.12, Thambusamy Road,
Kilpauk, Chennai-600 010.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation Limited,
Villupuram Region,
No.1, Hospital Road, Villupuram.

one cc to Mr.C.Munusamy, Advocate, sr.No.4518/17

one cc to Mr.K.Sudalaikannu, sr.No.4637/17

WEB COPY