

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.07.2017

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Cont.P.No.267 of 2017

C.Suresh Ananth

.. Petitioner

Versus

Thiru.R.C.Gudawla, IPS,
ADGP/Director
Tamil Nadu Fire and Rescue Services Department
Egmore, Chennai 600 008.

.. Respondent

Prayer: Contempt petition under Section 11 of the Contempt of Court Act, 1976, to punish the respondent for wilful disobeying the orders of this Hon'ble Court dated 15.09.2016 passed in W.P.No.22998 of 2016.

For Petitioner : Mr.G.Mutharasu

For Respondent : Mr.M.Perumal
Government Advocate

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ORDER

The contempt application is filed against the order passed by this Court on 15.09.2016, in W.P.No.22998 of 2016. The operative portion of the order in Paragraph No.18 and 19 are extracted

hereunder:

Paragraph:18 For all the above reasons, I am inclined to set aside the order dated 12.09.2015 of the first respondent refusing to revoke the order of suspension dated 08.12.2013 of the second respondent. Accordingly, the order dated 12.09.2015 of the first respondent is set aside. The matter is remanded back to the first respondent for fresh consideration. The first respondent is directed to consider the claim of the petitioner for revocation of the order of suspension dated 08.12.2013 taking note of (i) the order passed by the Honourable Supreme Court of India in Ajay Kumar Choudhary vs. Union of India- Civil Appeal No.1912 of 2015 dated 16.02.2015 (ii) Government Letter No.13519/N/2015-1, personnel & Administrative Reforms Department dated 23.07.2015 (iii) Orders for reinstatement passed in favour of (a) Mr. J.Krishnamoorthy, station Fire Officer, Chennai (b) Mr. Pargunan, Station Fire Officer, Tiruvallur and (c) Mr.Thriunavukkarasu, Station Fire Officer , Erode and (iv) claim of the petitioner to post him in a far off place or in a non-sensitive post while reinstating him in service. The first respondent shall thereafter pass a reasoned order on merits and in accordance with law by taking into consideration the above aspects within a period of four weeks from the date of receipt of a copy of this order.

Paragraph No.19 The writ petition is partly allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

2. The writ petition is partly allowed to the extent stipulated in Paragraph No.18 of the order, while considering the facts and circumstances of the case. This Court is directed the first respondent to consider the claim of the petitioner for revocation of the order of suspension. Accordingly, the matter was remitted back to the first respondent for fresh consideration. However, there is no direction to re-instate the petitioner in the order.

3. The learned counsel appearing for the writ petitioner has contended that though the respondent has implemented the order passed by this Court by passing an order dated 28.01.2017, the direction issued by this Court in Paragraph No.18 has not been complied with. The learned counsel further contended that the benefit of revocation of suspension extended to the other similarly placed person was not considered in favour of the petitioner so also the principles laid down by the Supreme Court are also not considered. Since there is no findings in this regard in the order dated 28.01.2017.

4. The above submission made by the learned counsel for the petitioner, requires no further adjudication in this contempt proceedings. However, the direction issued to re-consider the petition was complied with. If the petitioner is still aggrieved it is left open to

proceed in accordance with law.

S.M.SUBRAMANIAM,J.

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5. Accordingly, the contempt application stands closed.
However, no order as to costs.

Index : Yes/No
Internet : Yes/No

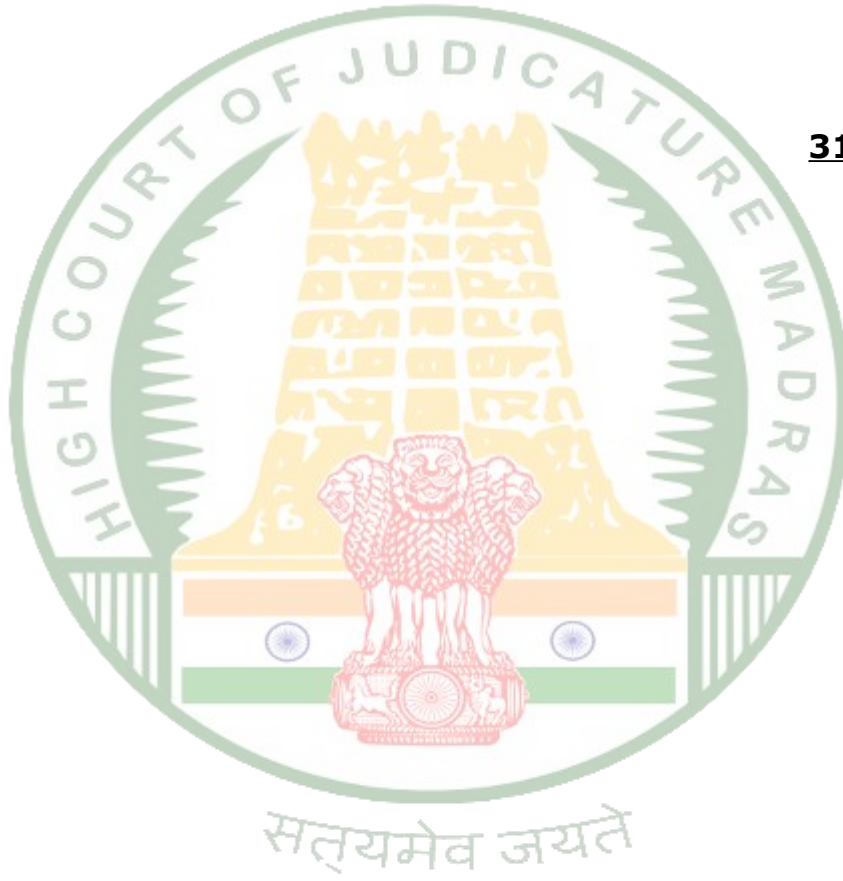
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