

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2017

CORAM

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

Cont.P.No.2507 of 2014

1.Pencilama

2.N.Lakshmi

3.Stephen Jayakumar

4.K.Santhakumari

5.C.Palaniammal

6.S.Chandra

7.K.Thangaraj

... Petitioners

Vs

Mr.R.Gopalakrishnan,
Chief Engineer (Buildings),
Chennai Region Chennai Region
and Chief Engineer (General),
Public Works Department,
Chepauk, Chennai – 600 005.

... Respondent

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent herein for having committed civil contempt by willful disobedience of the order in Review Application (Writs) No.141 of 2009 pronounced on 24.10.2009, by the issual of the order dated 31.12.2013.

For Petitioners : Mr.Sudalai Kannu

For Respondent : Mrs.K.Bhuvaneswari
Government Advocate

* * * *

ORDER

This Contempt Petition is preferred against the order passed by this Court on 24.10.2009 in Review Application (Writs) No.141 of 2009. This Court has passed an order and the relevant portion in paragraph No.4 is extracted as under:

"The respondents are directed to retain the review applicants in service and to consider the claim of the applicants for regularization of their services as per G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006 and to pass orders on the same, within a period of four months from the date of receipt/production of a copy of the order."

2.The learned Government Advocate appearing on behalf of the respondent informed this Court that the case of the writ petitioners were considered and an order was passed by the Principal Chief Engineer in letter No.S4(1)/29165/2013/dated 31.12.2013 itself.

3.The learned Government Advocate brought to the notice of this Court that after passing of G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006, the Government issued a revised order in G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013. Thus, the case of the petitioners were considered, based on the above Government Orders and a decision was taken and an order was passed and the same was communicated. Thus,

the order of this Court dated 24.10.2009 has been implemented.

4.The learned counsel appearing for the writ petitioners state that the direction issued by this Court was based on G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006 alone and therefore, the case of the petitioner ought to have been considered only with reference to G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006 and the respondent cannot rely upon G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013.

5.Irrespective of the Government Orders passed in the matter of regularization, this Court has to take note of the legal principles settled by the Constitutional Bench of the Hon'ble Supreme Court of India in the case of **State of Karnataka Vs. Umadevi reported in 2006 4 SCC page No.1**. Thus, all the issues are to be settled in relation to the legal principles settled. However, in respect of the present Contempt Petition, this Court is of the opinion that pursuant to the order passed by this Court on 24.10.2009, the respondent has issued order in Proceedings dated 31.12.2013, considering the claim of the writ petitioners. Thus, this Court is of the opinion that the respondent has not committed any Contempt of Court.

6.Accordingly, the Contempt Petition stands closed. However, there

is no order as to costs.

13.12.2017

Speaking order

Index : Yes

Internet: Yes

ah

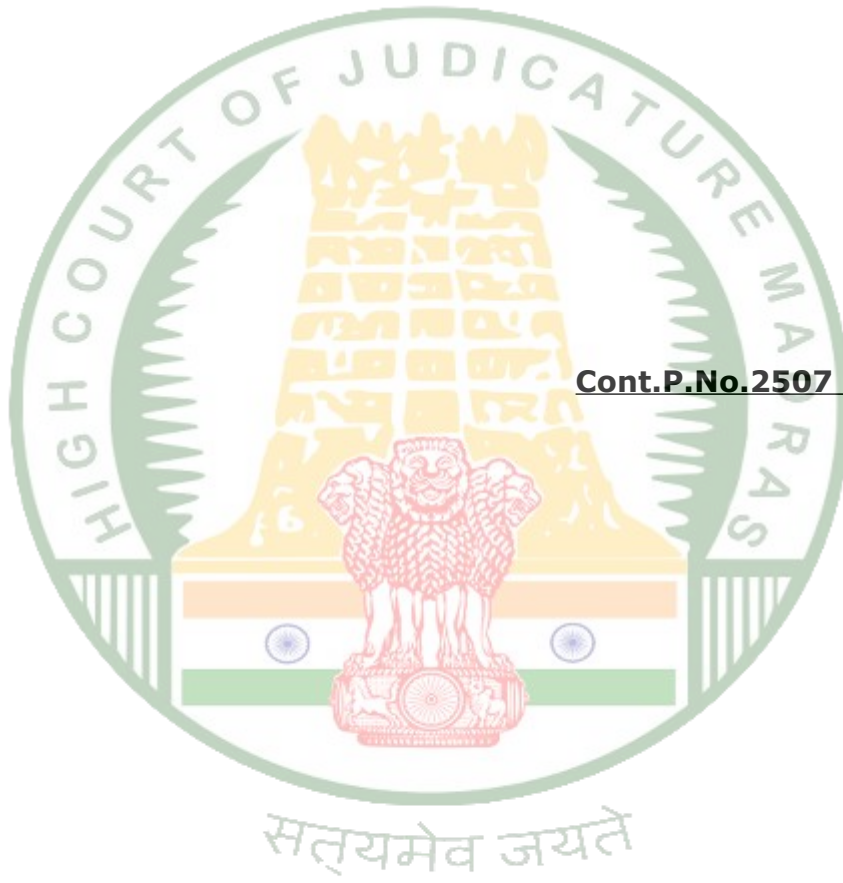
To

Mr.R.Gopalakrishnan,
Chief Engineer (Buildings),
Chennai Region Chennai Region
and Chief Engineer (General),
Public Works Department,
Chepauk, Chennai – 600 005.



WEB COPY

S.M.SUBRAMANIAM, J.



Cont.P.No.2507 of 2014

WEB COPY

13.12.2017