



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Thirteenth day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.VENUGOPAL
and
The Hon`ble Mr.Justice ABDUL QUDDHOSE

SUB.A(MD)NO.241 OF 2017
IN
CONT.P(MD)NO.1076 OF 2017
IN
W.A(MD)No.814 of 2011

B.RAJA CHINNAKARUPPANNAN

... PETITIONER/PETITIONER

Vs

1 MRS.R.MENAKA
SECRETARY CUM CORRESPONDENT, ARULMIGU PALANI
ANDAVAR POLYTECHNIC COLLEGE, PALANI,
DINDIGUL DISTRICT

2 MR.A.KARTHIK, I.A.S.,
STATE OF TAMIL NADU, REP BY ITS SECRETARY,
TAMIL DEVELOPMENT,
CULTURE & RELIGIOUS ENDOWMENTS DEPARTMENT,
CHENNAI.

3 MR.RAJIV RATHNOO, I.A.S.,
THE DIRECTORATE OF TECHNICAL EDUCATION,
CHENNAI.

... RESPONDENTS/RESPONDENTS

Prayer in SUB A(MD). 241/ 2017 :

Pleased to revive the contempt petition and punish the respondents herein for violation and disobedience of the order dated 22.4.2016 passed by this Honourable Court in W.A(MD) No.814 of 2011 as well as the order dated 28.6.2017

Prayer in Cont P(MD)No.1076 of 2016:

To punish the respondents herein for violation and disobedience of the order dated 22.04.2016 passed by this Court in W.A. (MD)No.814 of 2011.

Prayer in WA(MD). 814/ 2011 :

The above named appellant begs to prefer this Memorandum of Writ appeal against the order dated 20.07.2011 passed in W.P.(MD) No.10242 of 2005.

Prayer in WP(MD) . 10242/ 2005 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 3rd respondent in his Proceedings Na.Ka.No.5/A3/2005 dated 13.10.2005 and quash the same, and direct the respondents to consider the petitioner for promotion as per the rules to the post of Head of Department of Mechanical and confer all the consequential benefits.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.P.SENTHIL, Advocate for the petitioner and the court made the following order:-

(Order of the Court was made by **M.VENUGOPAL, J**)

This Sub-Application has been filed praying this Court to revive the Contempt Petition and punish the Respondents herein for violation and disobedience of the order dated 22.4.2016 passed by this Court in W.A.(D)No.814 of 2011 as well as the order dated 28.6.2017 passed on Cont.P(MD)No.1076 of 2017.

2.Heard the Learned Counsel for the Petitioner.

3.It is represented on behalf of the Petitioner that Review Petition before the Honourable Supreme Court of India in Review Petition(C)No.866 of 2017 in SLP(C)No.29584 of 2016 is dismissed on 6.9.2017.

4.It comes to be known that on an earlier occasion in Cont.P (MD)No.1076 of 2017 in W.A(MD)No.814 of 2011, this Court on 28.6.2017, at Paragraph 2, had inter-alia observed the following:

'This Contempt Petition has been filed alleging disobedience of the Judgement passed in W.A(MD)No.814 of 2011, dated 22.4.2016.

2.The undisputed fact is that as against the Judgement passed by the Honourable Division Bench, the respondents/contemnors filed appeal in S.L.P(C)No.29142 of 2016 and the same has been dismissed on 7.10.2016. The contention raised by the respondents in counter affidavit is that a Review Petition has been filed before the Honourable Supreme Court in Dairy No.42021 of 2016. Though the said Review Petition has been filed, till date, it appears that the same has not been numbered. In any event, considering the scope of the review, the respondents are directed to implement the judgement passed by the Honourable Division Bench in W.A(MD)No.23 of 2012, dated 22.4.2016, without any prejudice to their rights in Review Petition. The respondents are granted four weeks time from the date of receipt of a copy of



this order to comply with the direction issued by the Honourable Division Bench. In the event, the above direction is not complied with, the Petitioner is granted liberty to revive the contempt petition by filing an application before the Court.

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3. Accordingly, the Contempt Petition is closed.''

and accordingly closed the Contempt Petition.

6. The real grievance of the Petitioner is that the order dated 22.4.2016 in W.A(MD)No.814 of 2011 has not been complied with by the Respondents.

7. In view of the fact that the Respondents were granted four weeks time earlier from the date of receipt of a copy of the order in Cont.P(MD)No.1076 of 2017 to comply with the direction issued by the Honourable Division Bench in W.A(MD)No.814 of 2011 22.4.2016 and the order of the Honourable Division Bench has not been complied with so far, in view of the liberty granted to the Petitioner to revive the Contempt Petition by filing necessary application, based on which, the present Sub.A(MD)No.241 of 2017 is filed, the same is allowed in the interest of justice.

8. In fine, Sub.A(MD)No.241 of 2017 is allowed. Resultantly, the Contempt Petition(MD)No.1076 of 2017 is restored to file.

sd/-

13/11/2017

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 MRS.R.MENAKA
SECRETARY CUM CORRESPONDENT, ARULMIGU PALANI
ANDAVAR POLYTECHNIC COLLEGE, PALANI, DINDIGUL DISTRICT
- 2 MR.A.KARTHIK, I.A.S.,
SECRETARY,
STATE OF TAMIL NADU, TAMIL DEVELOPMENT,
CULTURE & RELIGIOUS ENDOWMENTS DEPARTMENT, CHENNAI.
- 3 MR.RAJIV RATHNOO, I.A.S.,
DIRECTORATE OF TECHNICAL EDUCATION, CHENNAI.

ORDER IN
SUB.A(MD)NO.241 OF 2017 IN
CONT.P(MD)NO.1076 OF 2017 IN
W.A(MD)No.814 of 2011
Date :13/11/2017