



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Cont P. (MD) .No.943 of 2016

in

W.P. (MD) .No.11260 of 2014

T.Rajamani

..Petitioner/Petitioner

Vs.

1.Kannappan,
The Director of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai 600 006.

2.R.Sarveshwaran,
The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

3.M/s.Vijayalakshmi
The Assistant Educational Officer,
Rajapalayam,
Virudhunagar District.

.. Contemnors/ Respondents

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act 1971, to punish the respondent for their wilful disobedience of the order passed by this Court, in W.P. (MD) No.11260 of 2014, dated 07.03.2016.

Prayer in WP(MD) . 11260/ 2014 :

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 impugned order of the 2nd respondent in Na.Ka.No.2554/Aa1/2013, dated 28.4.2014, quash the same, and consequently direct the respondents 2 and 3 to appoint the petitioner in any suitable post on compassionate ground.

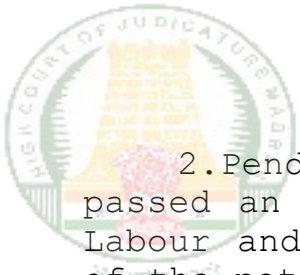
For Petitioner : Mr.S.Mahalingam

For Respondents :Mr.D.Muruganandham

Additional Government Pleader

O R D E R

This Court, by an order dated 01.03.2016 in W.P. (MD) .No.11260 of 2014 had directed the respondents herein to consider the application of the petitioner afresh and pass appropriate orders on merits and in accordance with law, within a period of eight weeks. Since the respondents herein have not complied with the same, the petitioner has come up with this contempt petition.



2. Pending contempt proceedings, the second respondent had passed an order on 10.08.2017, stating that as per G.O.Ms.No.42, Labour and Employment Department, dated 12.03.2017, the indigence of the petitioner's family was enquired and during enquiry, it was found that the petitioner has a dwelling house and hence, his application seeking compassionate appointment was rejected. However, on a perusal of the said G.O.Ms.No.42, it is clear that the status of the party has to be considered only after making proper enquiry by the Tahsildar. It is further seen that the possession of a dwelling house is not an embargo for considering the application seeking compassionate appointment. Hence, when the matter came up for hearing on 13.09.2017, this Court had directed the second respondent to comply with the earlier order passed by this Court after conducting proper enquiry and pass an order on or before 21.09.2017 and to report before this Court.

3. Today, the learned Additional Government Pleader appearing for the respondents produced a copy of the proceedings in Na.Ka.No.2554/A1/2017, dated 20.09.2017, issued by the second respondent, wherein it is stated that the name of the petitioner has been included in the seniority list for the purpose of giving appointment on compassionate ground. He submitted that the order passed by this Court, dated 07.03.2016, has been complied with and nothing survives in this petition.

4. In view of the same, though the seniority list has not been produced, the proceedings of the second respondent, dated 20.09.2017, is recorded. This Contempt Petition is, accordingly, closed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Director of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai 600 006.

2. The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

<https://hccourtservices.com>
3. The District Educational Officer,
Rajapalayam,
Virudhunagar District.



+1cc to Mr.S.MAHALINGAM, Advocate SR.No.80218

+1cc to the Special Government Pleader, SR.No.80957

MSA

MAS/SV-MMS/SAR2:03.10.2017:3P-6C

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