

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-07-2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Contempt Petition No. 1103 of 2018

S. Chinnaraj

... Petitioner

Versus

Mr. Vijay Karthikeyan
Commissioner
Coimbatore City Municipal Corporation
Coimbatore - 641 001

... Respondents

Petition filed under Section 11 of The Contempt of Court Act, 1971 praying to punish the respondent for his wilful disobedience of the order dated 15.09.2016 made in WP No. 15794 of 2015 passed by this Court.

For Petitioner : Mr. N. Manokaran

For Respondent : Mr. K. Mahesh

ORDER

The petitioner has filed WP No. 15794 of 2015 before this

Court praying to issue a Writ of Mandamus directing the
<https://hcservices.ecourts.gov.in/hcservices/>

respondent to regularise his service in the post of Driver

after taking note of his continuous employment from 14.10.1997 by considering his representation dated 29.04.2015 as per G.O. Ms. No.37 dated 01.12.2011 issued by the Department of Municipal Administration and Water Supply Department.

2. When the writ petition was taken up for hearing on 15.09.2016, this Court, after hearing the counsel for both sides, disposed of the writ petition with a direction to the respondent to consider and dispose of the petitioner's representation dated 29.04.2015 by taking note of the petitioner's continuous employment in the post of Driver from 14.10.1997 and also in the light of G.O. Ms. No.37, Municipal Administration and Water Supply Department dated 01.02.2011 and to pass orders thereon within a period of six weeks from the date of receipt of a copy of this order. According to the petitioner, the order dated 15.09.2016 made in WP No. 15794 of 2015 has not been complied with by the respondent, and therefore, he has filed this contempt petition.

3. Today, when the contempt petition is taken up for hearing, the learned Standing Counsel for the respondent brought to the notice of this Court the proceedings bearing Na.Ka.No.10343/2016/C1(K) dated 25.06.2018 passed by the respondent, whereby the respondent has rejected the claim of the petitioner on the ground that he is not in possession of

requisite educational qualification for regularisation of his service . By placing reliance on the aforesaid proceedings dated 25.06.2018 of the respondent, the learned Standing Counsel for the respondent would contend that the order passed by this Court has been complied with, and therefore, he prayed for dismissal of the contempt petition.

4. The learned counsel for the petitioner would contend that in the order dated 15.09.2016 made in WP No. 15794 of 2015, this Court has specifically directed the respondent to consider the claim of the petitioner in the light of the order passed by the Government in G.O. Ms. No.37, Municipal Administration and Water Supply Department dated 01.02.2011, however, in the order dated 25.06.2018, the respondent has not taken note of the guidelines laid down by the Government in G.O. Ms. No.37 dated 01.12.2011 and therefore, the order passed by the respondent on 25.06.2018 is not in consonance with the directions issued by this Court.

5. I am not in agreement with the said submission of the counsel for the petitioner. In the order dated 15.09.2016 made in WP No. 15794 of 2015, this Court has not issued any positive direction, rather, only directed the respondent to consider the claim made by the petitioner in accordance with law. Admittedly, the respondent has passed an order dated 25.06.2018 rejecting the claim of the

petitioner. The validity and/or correctness of the order dated 25.06.2018 cannot be gone into by this Court in this contempt petition. If the petitioner is in any manner aggrieved by the order dated 25.06.2018 of the respondent, it is open to him to challenge the same in a manner known to law. Accordingly, the contempt petition is closed. No costs.

rsh

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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PS/27/11/2018

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