

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2018

CORAM :

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

Contempt Petition No.1278 of 2018

T.Annadurai

... Petitioner

Vs.

1.K.S.Kandasamy I.A.S.,
The District Collector,
Thiruvannamalai District.

2.M.Baskaran,
Block Development Officer (Village Panchayats)
Cheyyar, Tiruvannamalai.

4.MariaDev Anand,
Deputy Block Development Officer (Audit)
Thandarampet Panchayat Union
Tiruvannamalai District.

5.M.Parvathi
Deputy Development Officer (Noon Meal)
Thandarampet Panchayat Union,
Tiruvannamalai District.

6.P.A.Velu
Deputy Block Development Officer (DRDA)
Tiruvannamalai District.

7.V.Govindarajulu
Deputy Block Development Officer,
Panchayat Union Kalasapakkam,
Tiruvannamalai District.

8.S.Vivekananthan
Deputy Block Development Officer,
Panchayat Union, Arani,
Tiruvannamalai District.

... Respondents

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for willful disobedience of the order dated 26.07.2017 in W.M.P.NO.11208/2016 in WP.No.12809 of 2016 passed by this Court.

For Petitioner : Mr.M.Ravi
 For Respondents : Mr.K.Elumalai
 Government Advocate for R1
 Mr.V.Suthakar for R2 to R7

O R D E R

The contempt petition has been filed against the order dated 26.07.2017 in WMP.No.11208 of 2016 in WP.No.12809 of 2016.

2. The learned counsel appearing for the petitioner states that the order of this Court has been violated by the respondents. Thus, they have committed contempt of Court, warranting action under the provisions of the Contempt of Court Act. This Court has passed an order on 26.07.2017 in WMP.No.11208 of 2016 and the relevant paragraph Nos.4, 5 and 6 are reads as follows:

''4. In this view of the matter and to maintain a balance of convenience, this Court has to adopt a pragmatic approach in respect of

promotions. Stalling the entire promotions in a Department will certainly cause inconvenience not only to the employees, but also to the public in general. All Government Departments are serving for the public in the interest of public and stalling the promotions may be depriving the right of some individuals working in the Department, but certainly will affect the smooth running of the administration. Accordingly, this Court is of the opinion that certain modification in the interim order of stay granted is required under these circumstances.

5. It is brought to the notice of the Court that subsequent seniority list panels in the higher cadres are issued by the Department. However, the right of the writ petitioners in these writ petitions are to be preserved and respondents 1 and 2 are at liberty to proceed with the promotion in respect of all the qualified and eligible candidates. Accordingly, the interim order already granted by this Court is restricted only in respect of the writ petitioners and in all other respects, the Department is at liberty to proceed with the seniority list panel and promotion orders.

6. With this modification, all the miscellaneous petitions are closed. Post the writ petitions for final disposal after a week.

3. It is brought to the notice of this Court that pursuant to the order passed by this Court, the Directorate

the 3rd respondent to proceed further in the matter in accordance with the order passed by this Court and consequently, the 3rd respondent on 07.02.2018, constituted a Committee consisting of five members viz., Tmt.Jeyasudha, Joint Director, District Programme Management Unit, Thiru.R.Gurusamy, Assistant Director of Rural Development (Audit), Mr.V.Ravichandran, Block Development Officer (Administration), Thiru.A.S.Kumar, Block Development Officer (Village Panchayat), Thiru.G.Ravichandran, Deputy Block Development Officer (Panchayats), to draw the revised seniority list in accordance with the interim order passed by this Court in WP.No.120809 of 2016 and WP.Nos.13073 to 13078 of 2016. The Committee after conducting an enquiry, in order to preserve the rank of the writ petitioner, while revising the panel for all other employees, without affecting the rights of the 1st respondent and other writ petitioners submitted a report of drawal of panel on 09.03.2018. Accordingly, the District Collector, Thiruvannamalai, passed an order dated 16.03.2018 and mailed the same on 19.03.2018. The said order dated 16.03.2018 is enclosed in Page No.108 of the typed set of documents filed along with the contempt application, the order states that the revised panel was prepared and in the event of any grievances, the aggrieved

4. This Court is of an opinion that this Court passed an order directing the authorities to proceed with the promotion in respect of all the qualified and eligible candidates and accordingly, the respondents also had proceeded with in accordance with the seniority. It is brought to the notice of this Court that challenging the order of the District Collector, Thiruvannamalai dated 16.03.2018, the petitioner in the present contempt application preferred a writ petition in WP.No.6811 of 2018.

5. The learned counsel appearing for the contesting respondents made a submission that the present contempt application is filed in view of the fact that the petitioner could not able to secure any interim order in the writ petition in WP.No.6811 of 2018. This Court is of an opinion that the contempt application cannot be entertained in such a manner and if there is any violation of the order passed by this Court, then alone, the contempt application can be entertained. This Court has directed the respondents 1 and 2 to proceed with the promotion in respect of the eligible candidates including the petitioner. Accordingly, the District Collector has issued an order and against the said order, the petitioner has

6. This being the factum of the case, the respondent has not committed any contempt of Court warranting any further action. Thus, the contempt petition is devoid of merits and accordingly stands dismissed. No costs.

sk

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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ctk/22/10/2018

TO

- 1.K.S.Kandasamy I.A.S.,
The District Collector,
Thiruvannamalai District.
- 2.M.Baskaran,
Block Development Officer (Village Panchayats)
Cheyyar, Tiruvannamalai.

One cc to Mr.M.Ravi, Advocate, SR.No.13567

one cc to Government Pleader, sr.No.13826