

IN THE HIGH COURT OF JUDICATURE AT MADRAS

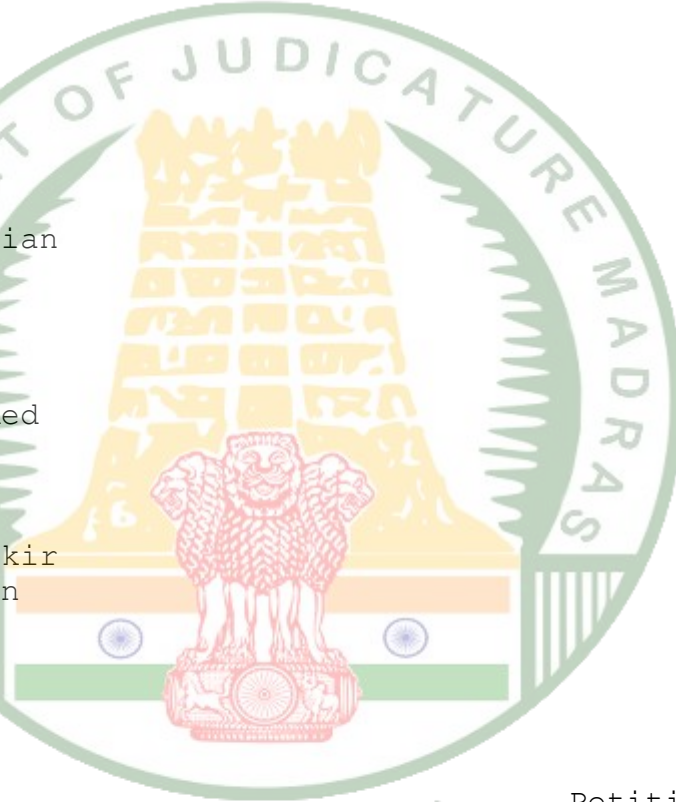
DATED 17.07.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

CONT.P.No.1589/2017

1.S.Kathiresan
2.R.Ramakrishnan
3.S.M.Baskaran
4.S.Prabakaran
5.M.Boomi
6.R.Sundararaj
7.P.Balasubramanian
8.N.Kannan
9.T.Vadivel
10.S.Rengaraj
11.S.Chitambaram
12.M.Beer Mohammed
13.R.Dhanushkodi
14.N.Maharajan
15.P.Rajagopal
16.K.Syed Abuthakir
17.P.Gnanasekaran
18.A.Anbalagan
19.M.Mani
20.G.Muthusamy
21.G.Ravindran
22.M.Mayilsamy
23.G.N.Prakash



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Versus

Petitioners

Thiru Hans Raj Verma, IAS
Secretary, Rural Development
Department, Government of Tamil Nadu
Secretariat, Fort St George
Chennai-9.

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Respondent

Contempt petition filed under section 11 of the Contempt of Courts Act, 1971, to punish the respondent for committing contempt of Court for the willful deliberate disobedience of the order passed by this Court dated 02.06.2016 in WP.No.1092/2016.

For Petitioners : Mr.M.Saravanakumar
For Respondent : Mr.M.Elumalai, GA

ORDER

The petitioners, alleging non-compliance of the order passed by this Court in WP.No.1092/2016 dated 02.06.2016, came forward to file the present contempt petition.

2 The petitioners, who are all retired, had filed WP.No.1092/2016 praying for counting of the entire temporary service worked in the cadre of Field Surveyor-cum-Draughtsman / Section Writer, for pension purposes with a further direction to pay the consequential arrears and to consider the representation submitted by them in that regard and since it was not considered and disposed of, they had filed the above contempt petition.

3 This Court, vide common order dated 02.06.2016, has taken into consideration the judgment reported in **2013 [2] MLJ 399 [V.Ganapathi Vs. State of Tamil Nadu, rep.by its Principal Secretary to Government, Revenue Department, Chennai and others]**, and directed the concerned respondent to consider and dispose of the said representation by taking into consideration the above decision in accordance with law and also observed that it has not gone into the merits of the representation. The petitioners, alleging

willful disobedience and non-compliance of the said order, has filed the petition for contempt and it was entertained on 31.10.2017.

4 When the matter was listed on 12.07.2018, the learned Government Advocate appearing for the respondent / contemnor would submit that the request made by the petitioners has been rejected by the Additional Chief Secretary to the Government, Rural Development Department, vide Letter No.13472/g/m/6/2017 dated 11.07.2017.

5 In response to the said submission, the learned counsel for the petitioners would submit that the above cited judgment had not at all been taken into consideration by the Government while rejecting the representation and hence, prays for appropriate orders.

6 This Court has considered the rival submissions and also perused the materials placed before it.

7 This Court, while disposing of the writ petition, has directed the concerned respondent to take into consideration the rulings and also observed subsequently that it has not gone into the merits of the representation. According to the communication dated 11.07.2017, 50% of the service rendered in the temporary service alone can be taken into consideration and by citing the said reason, the

request made by the petitioners to count their entire period of temporary service, has been rejected. In the considered opinion of the Court, the legality of the said order cannot be tested by this Court in exercise of its contempt jurisdiction.

8 Therefore, the contempt petition is closed. However, if the petitioners are so advised and it is open to them, they are always at liberty to challenge the said proceedings in accordance with law before the Competent Forum.

AP

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2018.

सत्यमेव जयते COURT OFFICER (O.S.)

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PS/20/09/2018

To
The Secretary, Rural Development
Department, Government of Tamil Nadu
Secretariat, Fort St George
Chennai-9.