

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 09-07-2018

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

CONTEMPT PETITION No.21 OF 2018

K.Murthy

...

Petitioner

-vs-

G.Prakash, I.A.S.,
Commissioner of Municipal Administration,
Chepauk,
Chennai-600 005.

...

Respondent

Petition under Section 11 of the Contempt of Courts Act, to
punish the respondent for wilfully disobeying the order, dated
19.12.2016, passed by this Court in W.P.No.43505 of 2016.

For petitioner : Mr.R.Sethuvarayar

For respondent : Mrs.K.Bhuvaneswari,
Addl.Govt.Pleader.

O R D E R

The petitioner, alleging non-compliance of the order passed
by this Court in W.P.No.43505 of 2017, dated 19.12.2016, came
forward to file this Contempt Petition.

2. It is represented that the order, which is the subject
matter of contempt, has been complied with by the respondent vide
proceedings in Na.Ka.No.29333/2014/F4, dated 16.03.2017.

3. The respondent has also filed a counter affidavit, dated 27.06.2018, wherein, in paragraph 8, he took the following stand :

"8.The petitioner submitted his consent to work in the Thanjavur Corporation and was absorbed in the post of Skilled Assistant Grade-2 and he is working in the said post as of now. The petitioner is now seeking the promotion for the post of Junior Engineer or Technical Assistant. For the post of Technical Assistant the concerned person has to complete any Diploma in Engineering and he must have worked as Skilled Assistant Grade-I for a period of five years and to the post of Junior Engineer the concerned person has to complete any diploma in engineering and he must have worked as Technical Assistant for a period of five years. But in the present case the petitioner is working as Skilled Assistant Grade-2 and he does not have the requisite qualification prescribed under the existing service rules. Hence his request was rejected by this office. Moreover the sanctioned post of Technical post is presently not available in the Thanjavur Municipal Corporation."

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4. In the light of the above, this Court is of the considered view that no wilful disobedience of the order passed by this Court has been made out. Therefore, this Contempt Petition is

closed. However, the petitioner is at liberty to challenge the said memorandum of proceedings, dated 16.03.2017, in accordance with law before the competent forum, if he is so advised. No costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

DIXIT

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

Co/21/08/2018

To

The Commissioner of Municipal Administration,
Chepauk,
Chennai-600 005.

One cc to M/s.R.Sethuvarayar, Advocate, Sr.NO.9414

One cc to the Government Pleader, Advocate , Sr.No.9292

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