

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.254 of 2018

Tmt.K.Parkavi Petitioner
Vs.

1. Dr.C.Chandramouli, I.A.S., Secretary,
State of Tamil Nadu,
Commercial Taxes Department,
Secretariat,
Chennai - 9.

2. Dr.C.Chandramouli, I.A.S.,
The Addl.Chief Secretary/The Commissioner,
Commercial Taxes Department,
Ezhilagam, Chepauk, Chennai - 5.

...Respondents

Prayer : Contempt Petition filed under Section 11 of the
Contempt of Courts Act, to punish the respondents for the
willful disobedience of the orders of this Hon'ble Court
passed in W.P.No.21299 of 2017 dated 22.08.2017 under the
provisions of Contempt of Courts Act

For Petitioners : M/s.S.Doraisami

For Respondent : Mr.M.Elumalai, GA

O R D E R

The present contempt petition is filed seeking implementation of the order dated 22.08.2017 passed in W.P.No.21299 of 2017.

2.The learned Senior Advocate appearing on behalf of the writ petitioner states that the respondents had included the name of the petitioner in the panel for promotion and further, gave an undertaking that the case of the writ petitioner would be considered at the time of grant of promotion in accordance with the seniority. The learned Senior Advocate is of an opinion that in violation of the undertaking given by the respondents, now an order has been passed, denying promotion to the writ petitioner in proceedings dated 21.11.2017. Thus, the respondents have committed Contempt of Court.

3.The learned Government Advocate appearing on behalf of the respondents state that this Court passed an order on 22.08.2017 in W.P.No.21299 of 2017, directing the first respondent to consider the representation submitted by the writ petitioner on 07.07.2017 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the 1st respondent considered the case of the

writ petitioner and passed an order in Letter No.12257/A1/2017-1, dated 21.11.2017. Thus, the order of the Hon'ble High Court has been complied with and if any grievance exists to the writ petitioner, it is left open to the writ petitioner to agitate the same in the manner known to law.

4. This Court is of an opinion that the merits and the demerits of the facts and circumstances were not adjudicated in the writ petition in W.P.No.21299 of 2017 dated 22.08.2017, this Court had considered the fact that no decision was taken by the 1st respondent in the matter of promotion as far as the writ petitioner is concerned. Thus, a direction was issued to consider the representation and pass orders on merits and in accordance with law. The scope of such directions are certainly limited. Such directions cannot be construed as if the merits and demerits of the case of the writ petitioner was adjudicated and a finding was given. Therefore, the 1st respondent in compliance with the order of this Court passed an order in proceedings dated 21.11.2017 and if at all, the writ petitioner is aggrieved from and out of the order, then it is left open to the petitioner to redress his grievances in the manner known to law. Thus, the respondents have not committed any Contempt of Court, warranting any further actions in the hands of this Court.

5. Accordingly, the contempt petition stands dismissed. However, there is no order as to costs.

SD/
ASSISTANT REGISTRAR (Commr, Cases)
kak

//Certified to be true copy//
Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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CO/21/05/2018.

One CC to Government Pleader, SR.6400.

One CC to M/S.S.Doraisamy, Advocate, SR.6328.

To.

1. The State of Tamil Nadu,
Commercial Taxes Department,
Secretariat,
Chennai - 9.
2. The Addl. Chief Secretary/The Commissioner,
Commercial Taxes Department,
Ezhilagam, Chepauk, Chennai - 5.