

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2018

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Contempt Petition No.2101 of 2017

K.Senthil .. Petitioner
vs

Mr.Vijayakumar, I.A.S.,
Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,V.O.C.Nagar,Park Town,
Chennai - 600 003 .. Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for having committed willful disobedience and contempt of the order passed in W.P.No.26699 of 2010 dated 21.11.2016.

For Petitioner: Mr.N.Umapathi

For Respondent: Mr.V.Ayyadurai,
Learned Senior Counsel;
Assisted by: Dr.M.Devendran,
Standing Counsel for TNPSC

ORDER

This contempt petition is filed against the respondent for non-compliance of the orders passed by this Court in W.P.No.26699 of 2010 dated 21.11.2016.

2. In the said order dated 21.11.2016, this Court has passed the following directions:-

" 17. In the result, the writ petition is ordered in the following terms:

(i) The impugned order, insofar as it relates to the petitioner's candidature is concerned, is quashed.

(ii) The second respondent is directed to call the petitioner for oral interview for the said selection of Motor Vehicle Inspector, Grade-II for the year 2006-08 immediately, at any rate within a period of four weeks from the date of receipt of a copy of this order and conduct the oral interview by constituting a interview Board for this specific purpose;

(iii) On completion of the interview, the marks to be obtained by the petitioner in the oral interview and the marks already obtained by the petitioner in the written examination shall be put together within the meaning of clause 7 of the notification and ultimately, if the petitioner obtained the marks for consideration within the zone of selection either in the open category or in any other communal category which he belongs, he shall be considered for selection for the said post accordingly;

(iv) At any rate, all the needful indicated above shall be done by the second respondent within a total period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed."

3. In this contempt proceedings, Dr.M.Devendran, learned standing counsel appearing for the respondent Service Commission has already taken notice and entered appearance. After some hearings, in the contempt proceedings, when it again came up for further hearing on 30.01.2018, Mr.V.Ayyadurai, learned senior counsel appeared for the respondent Service Commission, along with the standing counsel and after hearing them, this Court passed an order dated 30.01.2018 which reads as under:-

"Heard Mr.V.Ayyadurai, learned Senior Counsel appearing for the respondent. After hearing the learned senior counsel appearing for the respondent and the learned counsel for the

petitioner, this Court is of the view that, the time taken so far, by the respondent to comply with the orders of this Court dated 21.11.2016, made in W.P.No.26699 of 2010, is beyond what has been permitted and this Court also feels that there is no acceptable reason on the side of the respondent for the delay in complying with the orders of this Court.

2. However, learned senior counsel appearing for the respondent would submit that, if two weeks is given, further course of action in this regard would be finalised and would be reported before this Court.

3. Considering the said submission made by the learned senior counsel appearing for the respondent, two weeks time is given.

4. Post the matter on 13.02.2018."

4. Pursuant to the said orders passed by this Court, as referred above, today(14.02.2018) when the case was called, Dr.M.Devendran, learned standing counsel appearing for the respondent Service Commission filed a letter issued by the Secretary, Tamil Nadu Public Service Commission vide Letter No.6698/LCD-A1/2010 dated 13.02.2018 which reads as under:-

"I am directed to invite attention to the reference cited and to inform that, in obedience to the orders of Hon'ble High Court, the Commission has sent a memo (Memo No.424/OTD - B4/2008 dated 09.02.2008) to the candidate calling him for Oral test at 09:00 a.m. on

21.12.2018 at Commission's office.

This is for kind favour of information and to apprise before the Hon'ble Court when the case in Contempt petition comes up for hearing".

5. By placing reliance on the letter, the learned counsel for the respondent Service Commission would submit that, by a memo dated 09.02.2008, the petitioner has been informed that, an oral test would be conducted on 21.02.2018 at 9:00 a.m. at the respondent Service Commission's office for the petitioner and accordingly, he is directed to appear for the said oral test. However, the learned counsel for the petitioner would submit that the petitioner has not received any memo intimating the oral test.

6. In view of the said submission, the learned counsel for the respondent would submit that a photo copy of the said memo dated 09.02.2008 would be directly given to the counsel for the petitioner, enabling the petitioner to appear before the respondent Service Commission's office on 21.02.2018 at 9:00 a.m.

7. Recording all the above submissions made by both the counsels for the petitioner as well as the respondent Service Commissioner and also in view of the letter
<https://hcservices.ecourts.gov.in/hcservices/>
No.6698/LCD-A1/2010 dated 13.02.2018, this Contempt

Petition is disposed of with the following orders:-

1. That, the respondent Service Commission, through its learned standing counsel shall give a photo copy of the memo dated 09.02.2008, informing the petitioner to appear for the oral test on 21.02.2018 at 09:00 a.m. at the Commission's office, to the learned counsel for the petitioner immediately;

2. On receipt of the same, the petitioner shall appear before the respondent Service Commission office on 21.02.2018 at 9:00 a.m for the said oral test.

8. In view of the said submissions made, since the orders of this Court has been complied with by the respondent Service Commission, there is no further adjudication required in the contempt petition. Accordingly, the **Contempt Petition is closed.** However, there shall be no order as to costs.

sts

SD/-
JOINT REGISTRAR (OS)

//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.

KR/CO/15/02/2018

To

Mr.Vijayakumar, I.A.S.,
Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,V.O.C.Nagar,Park Town,
Chennai - 600 003

one cc to the M.Devendran, Advocate, Sr.No.2508



WEB COPY