

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2019

CORAM

THE HON'BLE JUSTICE S.VAIDYANATHAN

Contempt Petition No.2395 of 2015

P.R.Nishanth

... Petitioner

-vs-

- 1.Dr.Saikumar, Chairman
Tamil Nadu Generation and Distribution Corporation
Ltd., No.144, Anna Salai, Chennai-2
- 2.A.V.Raja
Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation
Ltd., No.144, Anna Salai, Chennai-2
- 3.Karupaiah
Chief Engineer
North Chennai Thermal Power Station
Chennai-120
- 4.Somanathan
Superintending Engineer (O&M)
North Chennai Thermal Power Station
Chennai-20
- 5.K.Muthu
District Revenue Officer
Tiruvallur.

... Respondent/Contemnor

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents 1 to 4 for wilful disobedience of the order of this court passed in W.P.No.20205 of 2013 dated 24.07.2013.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.S.Haroon for
M/s.T.S.Gopalan & Co
for R1 to R4.

ORDER

This Contempt Petition is filed alleging willful disobedience of the order of this court passed in W.P.No.20205 of 2013 dated 24.07.2013.

2. This court, by order dated 24.07.2013, directed the respondents to dispose of the representation of the Petitioner's father dated 04.05.2013, wherein, the petitioner's father claimed appointment for having acquired the land of his family.

3. At the time of admission of this Contempt Petition, this court in the docket order dated 12.07.2018, has observed as follows:-

"It prima facie appears from the materials placed that as per BP Personnel [FB] No.3 dated 25.01.1990, the petitioner is entitled for employment assistance on account of the fact that the land belonging to his father was acquired. However, the learned counsel appearing for the respondents/contemnors would submit that the said Board Proceedings came to be issued based on G.O.Ms.No.656, Labour and Employment Department dated 29.06.1978 and as per paragraph No.2[1] of the said Government order, such employment assistance could be given provided that the acquired land should have been the only or major source of sustenance for that family and also pointed out that the father of the petitioner who was a Contractual employee, got permanently absorbed from 01.05.1999 and in the light of the fact the acquisition proceedings came to be initiated in the year 2000, he is not entitled for any employment assistance and prays for time to file counter affidavit with supporting documents."

4. From the above observation, it is seen that the

petitioner is entitled to public employment, as the land has been acquired by the respondents *dehors* the fact that a family member of the said person is already employed in the Government. It is to be noted that after the orders of this court passed in W.P.No.20205 of 2013 dated 24.07.2013, the rejection of the representation of the petitioner's father has been issued and that order has not been challenged, so far.

5. In view of the above, this court is not inclined to go into the validity of the order passed by the respondent-department, rejecting the representation of the Petitioner's father and therefore, this court is constrained to ensure due compliance of the order dated 24.07.2013 passed by this court. Admittedly the respondent has considered the representation and passed the order as per the directing of this court. Hence, this Contempt Petition is closed.

सत्यमेव जयते

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

nvsri

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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To:

- 1.Tamil Nadu Generation and Distribution Corporation
Ltd., No.144, Anna Salai, Chennai-2
- 2.The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution Corporation
Ltd., No.144, Anna Salai, Chennai-2
- 3.The Chief Engineer
North Central Thermal Power Station
Chennai-120
- 4.The Superintending Engineer (O&M)
North Chennai Thermal Power Station
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- 5.The District Revenue Officer
Tiruvallur.



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