

IN THE HIGH COURT OF JUDICATURE AT MADRAS

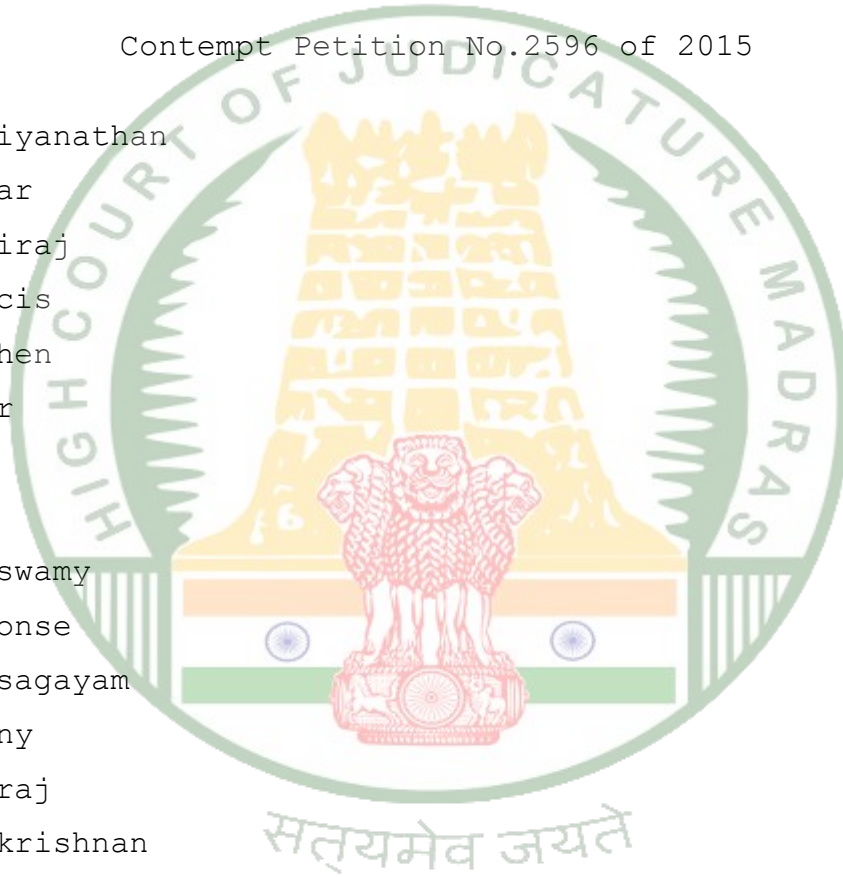
Dated: 25..06..2019

CORAM

**The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice M. NIRMAL KUMAR**

Contempt Petition No.2596 of 2015

1. A.Packiyanathan
2. A.Sekhar
3. K.Dorairaj
4. C.Francis
5. E.Stephen
6. D.Kumar
7. M.Ravi
8. M.Raja
9. Parthaswamy
- 10.S.Alphonse
- 11.M.Devasagayam
- 12.S.Antony
- 13.E.Sivaraj
- 14.K.Unnikrishnan
- 15.E.Amulraj
- 16.S.K.Gopalan
- 17.A.John
- 18.S.Radhika
- 19.R.Vasanthi
- 20.L.A.Leema
- 21.A.Sebastian



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... Petitioners

-Versus-

- 1.Shri.G.Mohan Kumar,
Secretary to the Government of India,
Ministry of Defence, South Block,
New Delhi 110 011.

2.Lt.SK Gadeock,
Commandant,
Defence Services Staff College-Wellington,
Wellington Barracks Post,
The Nilgiris - 643231,
Tamil Nadu.

3.Lt.Col. Rahul Pandey,
Mess Secretary,
DSSC-Officers Mess,
Defence Services Staff College-Wellington,
Wellington Barracks Post,
The Nilgiris 643 231,
Tamil Nadu.

... Respondents

Petition filed under Section 11 of the Contempt of Court Act, 1971, praying to punish the respondents for willful disobedience of the order of this court made in W.P.No.20253 of 2003 dated 30.06.2006.

For Petitioners	: Mr.L.Chandrakumar
For Respondents	: M/s.Sunita Kumari, Central Government Standing Counsel for RR1 to 3

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

As against the order of the Central Administrative Tribunal, the matter went up to the Hon'ble Apex Court in SLP (Civil) Nos.23798 - 23799 of 2007 and it was accordingly disposed of by order dated 24.09.2013 in the following manner:-

5. Mr. Radhakrishnan, learned senior counsel appearing for the appellants submitted that the respondents were not appointed through proper process and,

therefore, they could not be granted the status as was sought by them. Having noted this submission of Mr. Radhakrishnan, what we find is that all that the Tribunal had directed was to frame the necessary rules, and in the meanwhile treat the respondents as temporary, and subsequently regularise them. The order is to act as a good employer, and the Central Government is expected to act accordingly. We see no reason to interfere with the order passed by the Tribunal as well as by the High Court. The special leave petition is, therefore, dismissed.

2. Pursuant to the compliance of the aforesaid order, the petitioners were given temporary status and paid the arrears accordingly. By a subsequent order, they were sought to be regularized in the existing vacancies by prescribing a separate procedure.

3. Now, the instant contempt petition has been filed alleging that the regularization must have been done with retrospective effect.

4. The learned counsel for the petitioners would submit that the intention of the order will have to be seen. On the other hand, the learned standing counsel for the respondents submitted that the order has been given effect to in letter and

petitioners have got any grievance with regard to the date of regularization, among other things, the remedy lies elsewhere. According to the respondents, they have given temporary status along with the monetary benefits. If the procedure adopted by the respondents by regularizing the petitioners from a particular date in batch in the existing vacancies and the vacancies that would arise in future, the same would constitute a separate cause of action which has to be put to rest before the appropriate forum. Thus, this Contempt Petition is closed as no further adjudications are necessary and the petitioners can very well workout their remedy in the manner known to law, if so advised.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

kmk

//Certified to be true copy//

Dated at Madras this the day of 2019.

सत्यमेव जयते

COURT OFFICER (O.S.)

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Mv/10/07/2019

To

1. The Secretary to the Government of India,
Ministry of Defence, South Block,
New Delhi 110 011.

2. The Commandant,
Defence Services Staff College-Wellington,
Wellington Barracks Post,
The Nilgiris - 643231,
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3. The Mess Secretary,
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