

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2019

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
AND

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Contempt Petition No.1253 of 2018 & Sub Appln. No.266 of
2018 and W.A.Nos.3 of 2018 and 650 of 2019

- 1.V.Dayalan, S/o Vellai,
Junior Engineer, Tamil Nadu Slum Clearance Board,
Chennai-5.
- 2.P.Murugan, S/o Pazhamalai,
Junior Engineer, Tamil Nadu Slum Clearance Board,
Chennai-5.
- 3.R.Loganathan, S/o Rangaiah,
Junior Engineer, Tamil Nadu Slum Clearance Board,
Chennai-5.
- 4.P.Muruganantham, S/o Pichaipillai,
Junior Engineer, Tamil Nadu Slum Clearance Board,
Chennai-5.

..... Petitioner

Vs

सत्यमेव जयते

- 1.S.Krishnan, I.A.S.,
Secretary to the Government of Tamil Nadu,
Housing and Urban Development,
Fort St. George, Chennai-600 009.
- 2.Mr.S.Krishnan, I.A.S.,
Chairman, Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai, Chepauk,
Chennai-600 005.

..... Respondents

Contempt petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for the wilful disobedience of the order dated 05.01.2018 made in C.M.P.No.77 of 2018 and W.A.No.3 of 2018.

For Petitioners : Mr.N.G.R.Prasad for
Mr.V.Chockalingam
For Respondents : Mr.P.S.Sivashanmuga Sundaram
Spl. Government Pleader for R1
Mr.P.H.Aravind Pandian, A.A.G.
For Mr.M.Rajasekar for R2.

ORDER

There are three competing issues involved in this Contempt Petition, which is inclusive of the writ petition filed by the three petitioners in W.P.No.30638 of 2015 seeking promotion to the post of Assistant Executive Engineers on the basis of their seniority.

2. This contempt petition is filed with respect to the non compliance of the interim order passed in CMP No.77 of 2018 in W.A.No.3 of 2018 on 05.01.2018. All the petitioners are competing to be promoted to the post of Assistant Executive Engineers on the basis of their seniority.

3. The main issues involved will have to be decided only at the time of the final disposal of the

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cases. Since this is a special Bench, we are not inclined to take up the Writ Appeal and the Writ Petition, which are posted along with this Contempt Petition.

4. Learned Additional Advocate General made a fair suggestion to the Bench, which is also agreeable to the learned counsels appearing for the parties. According to him, as an interim arrangement, all the petitioners may be promoted to the post of Assistant Executive Engineers, leaving the issue of inter se seniority, to be decided in the writ petition and the writ appeal.

5. We are also of the view that the said suggestion of the learned Additional Advocate General is fair and reasonable, apart from being in the interest of the parties including the Government. After all, any pending dispute will have to be considered in public interest also as by not filling the vacancies, nobody will be benefited.

6. Therefore, we direct the respondents to promote the eligible persons, including the writ petitioners, on the basis of inter se seniority, to the post of Assistant Executive Engineers, leaving open all the issues pertaining to the said post to be decided in the

pending matters. We also make it clear that the said promotion shall be subject to the outcome of the main Writ Petition and Writ Appeal.

8. The contempt petition is disposed of accordingly. Consequently, sub application stands closed.

Registry is directed to post W.A.Nos.3 of 2018 and 650 of 2019 before the concerned Bench.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)
raa

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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

Sm/19/06/2019

To

1 The Joint Registrar (Judicial),
Judicial Department,
High Court, Madras.

2 The Section Officer,
Judicial Section.