

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2019

CORAM:

THE HONOURABLE Mr. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE Mr. JUSTICE M.NIRMAL KUMAR

Cont.P.No.257 of 2016

D.Charles Soundarajan,
Retired Senior Foreman,
No.28 Madhura Mettupalyam,
Puzhal,
Chennai-600 066.

... Petitioner

-Vs-

1.M.Rajaram, I.A.S.,
Secretary,
The Government of Tamil Nadu
Tamil Development, Religious Endowments &
Information (v.m.1) Department, Secretariat,
Chennai-600 009.

2.J.Jayakanthan, I.A.S.,
The Director of Stationery and Printing,
110, Anna Salai,
Chennai-600 002.

... Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act 1971 to punish respondent for disobedience of the order dated 17.04.2014 passed by this Court in W.A.No.2557 of 2012.

For Petitioner : Mr.M.Vijayakumar

For Respondents : Mrs.P.Rajalakshmi
Additional Government Pleader

ORDER

[Order of the Court was made by M.Sathyanarayanan, J.]

The petitioner, alleging willful disobedience and non-compliance of order dated 17.04.2014 made in W.A.No.2557 of 2012, came forward to file this cotempt petition.

2. Facts leading to the present round of litigation have been narrated in detail and in extenso in the judgment dated 17.04.2014 made in W.A.No.2557 of 2012 and therefore, it is unnecessary to restate the facts once again.

3. The grievance expressed by the petitioner is that the order has been partially complied with and the concerned authority did not grant further promotions to the petitioner i.e., Senior Foreman, Top Senior Foreman, Overseer and Assistant Works Manager, which was given to his junior Mr.Arjunan and also not granted fixation of pay in subsequent promotions.

4. The learned counsel appearing for the petitioner would submit that promotions to the posts are based upon seniority only and as such whatever the consequential benefits arising out of the order have to be given to the

5. *Per contra*, Mrs.P.Rajalakshmi, learned Additional Government Pleader appearing for the contemnor has drawn the attention of this Court to the counter affidavit of the 2nd respondent dated 23.10.2017 and would submit that in order to comply with the order, despite absence of specific rules or precedent to consider his claim to promote him to the post of Junior Foreman directly from the post of Mazdoor as a special case, his case was considered by drawing a common seniority among the diploma holders working in the post other than the posts of Imposer and Technical Assistant, promotion was given to the petitioner with effect from 31.05.2005 and it was given without prejudice to the claim of other employees. The pay of the petitioner was also revised and fixed in the post of Junior Foreman and Senior Foreman and pensionary benefits was also revised and paid to the petitioner as per the details given in Paragraph No.11 of the counter affidavit.

6. Insofar as the claim made by the petitioner that he should be treated on par with one Mr.Arjunan is concerned, the counter affidavit states that the said Arjunan had served in the higher category of the post than the petitioner and he was appointed by direct recruitment to the post of Junior Book Binder under Tamil Nadu Press Subordinate Service Rules, during the year 1970, which is a higher category post than

that of the Mazdoor, which was hold by the petitioner and therefore, the petitioner joined as Mazdoor in the lower category post during the year 1976, for which 8th standard fail, alone is prescribed as the qualification under Tamil Nadu Basic Service Rujles and therefore, he shall not be compared with that of the said Arjunan .

7. In the light of the same, this Court is satisfied with the explanation offered in the counter affidavit of the 2nd respondent and is of the considered view that there is no willful disobedience or non compliance of the order passed by this Court.

8. Hence, the contempt petition stands closed. However, if the petitioner is aggrieved as to the alleged non granting of consequential benefits, he is always at liberty to workout his remedy before the competent forum for appropriate relief.

SD/-

Assistant Registrar (Comm. Cases)

sk

//Certified to be true copy//

Dated at Madras this the day of 2019.

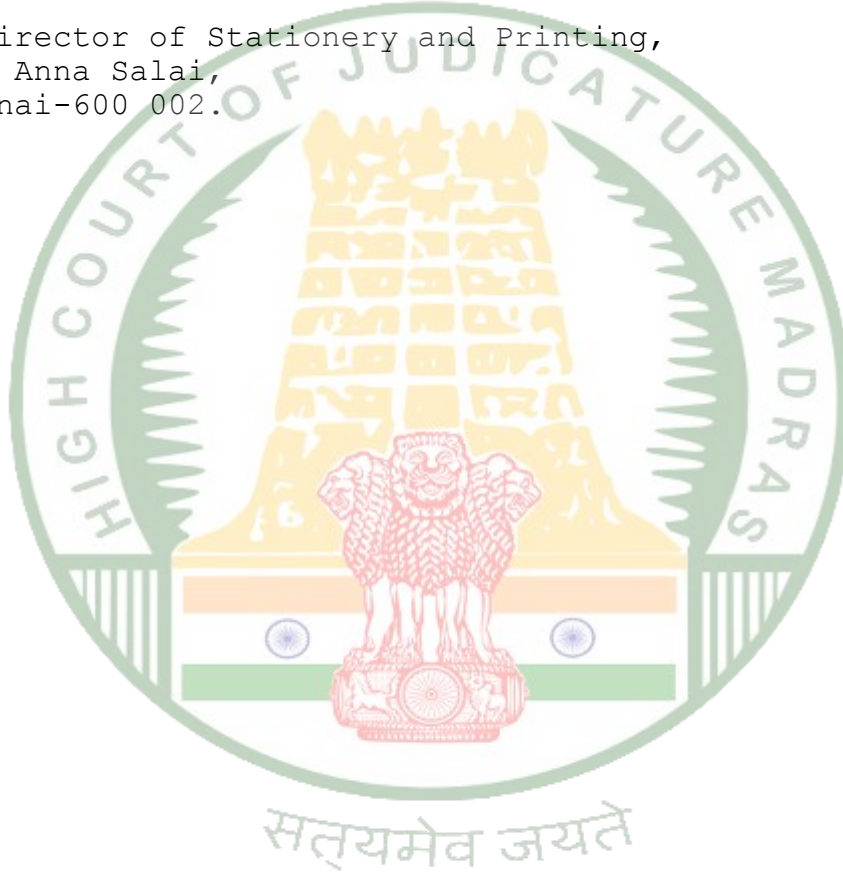
COURT OFFICER(O.S.)

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To:

1.The Secretary,
The Government of Tamil Nadu
Tamil Development, Religious Endowments &
Information (v.m.1) Department, Secretariat,
Chennai-600 009.

2.The Director of Stationery and Printing,
110, Anna Salai,
Chennai-600 002.



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