

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

Contempt Petition No.75 of 2018

in

W.P.No.17195 of 2010

1. R.Rathnakumar
2. V.Vijayan
3. R.Vellingiri
4. S.A.Senthilkumar
5. S.Sivaraj
6. S.Krishnamoorthy
7. R.Jagatheeswaran
8. R.Ramesh
9. L.Vadivelkumar
10. A.Manikandan
11. S.Sathishkumar (deceased)
12. N.Sivakumar
13. M.Chinthamani (given up)
14. K.Venkatasubramanian
15. R.Karuppusamy
16. G.Shanmugham
17. R.Sreenivasan (deceased)
18. N.Kalidass
19. S.Pannerselvam
20. M.Senthilkumar (given up)
21. G.Manikandan
22. M.Ravichandran
23. M.Maruthi (deceased)
24. K.Palambal
25. K.Subramanian
26. K.Ravi
27. R.Jayalakshmi
28. B.Raveendran (Retired / superannuation)
29. A.Jaganathan
30. G.Ravikumar

...Petitioners

Vs

1. S.Swarna, I.A.S.,
Secretary
Government of Tamil Nadu
Personnel and Administrative Reforms Department,
Chennai - 600 009.

2. Dr.K.Gopal, I.A.S.,
Secretary,
Animal Husbandry Dairy and Fisheries (MP II) Department,
Fort St. George,
Chennai - 600 009.
3. C.Kamaraj, I.A.S.,
Commissioner,
Milk Production and Dairy Development,
Madhavaram, Chennai - 51.
4. Dr.S.Selvaraj, BVSC
General Manager,
The Coimbatore District Co-operative Milk
Producers Union Ltd.,
New Dairy Complex,
Pachapalayam,
Kalampalayam post,
Perur via, Coimbatore.

...Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, seeking to punish the respondents for having committed contempt in violating the orders passed by this Hon'ble Court in W.P.No.17195 of 2010, dated 25.11.2016.

For Petitioner : Mr.A.Jenasenan

For Respondents: Mr.A.Kumar, AAG X
Assisted by
Ms.T.Girija,
Government Advocate
Mr.L.P.Shanmuga Sundaram for R4

ORDER

This Court by order, dated 31.01.2019 has passed the following order :

"Mr.A.Kumar, learned Additional
Advocate General appearing on behalf of
the respondents has produced a

Government Order in G.O.No.(2D)No.2 Animal Husbandry, Dairying and Fisheries (MP-II) Department, dated 29.01.2019 and submitted that, pursuant to the orders passed by this Court in the Writ Petition in W.P.No.17195 of 2010 dated 25.11.2016, the Government having accepted the directive issued by this Court, has complied with the order to the extent giving relaxation to all the petitioners, enabling the fourth respondent to regularise the service of all these petitioners on par with the employees who have already been regularised in G.O.(2D) No.123, Animal Husbandry Dairying and Fisheries (MP2) Department dated 28.08.2008.

2. Pursuant to the said Government Order issued in favour of the petitioners, the consequential order giving regularisation to all these petitioners have to be issued by the fourth respondent, since he is in abroad for the next two weeks, as soon as he comes to India and joining duty, such consequential orders would be passed. Hence, the learned Additional Advocate General seeks three weeks accommodation for reporting such compliance.

3. Recording the said submission made by the learned Additional Advocate General as well as the contents of the G.O.No.(2D)No.2 dated 29.01.2019 as referred above, further time of three

weeks is given to pass the consequential order by the fourth respondent. Accordingly, post the matter on 21.02.2019."

2. Pursuant to the said order, when the case is taken up for hearing today, Mr.A.Kumar, learned Additional Advocate General appearing for the respondents submitted an affidavit filed on behalf of the respondents stating that, the consequential order also have been passed by the third and fourth respondent and in this regard, he has produced the copy of the order passed by the third respondent, dated 05.02.2019 in Rc.No.16568/M2/2010, wherein the following directive has been issued to the fourth respondent :

"Hence the General Manager, Coimbatore District Cooperative Milk Producers' Union Ltd., is hereby directed to issue regularisation orders in the entry level post (i.e.,) Senior Factory Assistant to the writ petitioners is indicated (except Sl.No.13 &20) in the annexure from the date of completion of 480 days within a continuous period of 2 years (i.e.) 11.03.2001 as notional and to settle monetary benefit from 28.09.2007 and to get undertaking from the writ petitioners with a condition that they should not seek further agitation in this regard.

<https://hcservices.ecourts.gov.in/hcservice> It is further directed that, the above procedures should be completed before

12th February 2019 without any deviation, so as enable to file the compliance report before the Hon'ble Court."

3. Pursuant to the said order passed by the third respondent, dated 05.02.2019, individual order regularising the services of each of the petitioners have been issued by order, dated 15.02.2019 issued by the fourth respondent and in respect of the first petitioner, the order passed by the fourth respondent is extracted hereunder for easy reference :

"Based on the proceedings of the Director for Milk Production and Dairy Development, Chennai vide reference 3rd cited above, the services of Thiru.R.Rathinakumar, Non Regularised Time scale staff is regularised as the Senior Factory Assistant (Entry level post) in the Time scale of Rs.2550-55-2660-6-3200 with effect from 11.03.2001 notionally and he is eligible for the Monetary Benefit from 28.09.2007 onwards in lieu thereof as per the Annexure attached.

The individual is eligible to draw arrears of pay and allowances as per rules. If any excess payment found to have been made and noticed at a later date, the same will be recovered against future payment without further notice.

Receipt of this proceedings should be

acknowledged at once.

General Manager"

4. Like that, in respect of all the petitioners, individual orders have been issued, which have been duly acknowledged by the petitioners.

5. The said orders have also been filed in typed set of papers filed by the respondents.

6. This Court after having gone through all the orders passed by the respondents, especially R3 and R4 and having taken note of the content, it is satisfied that, the orders passed by this Court in W.P.No.17195 of 2010, dated 25.11.2016 has been complied with and in view of the said compliance, no further order is required to be passed in this contempt petition.

In view of the above, this Court is inclined to close this contempt petition. Accordingly, this contempt petition is closed.

सत्यमेव जयते SD/-

ASSISTANT REGISTRAR (COMM.CASES)

tsvn

//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