

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD**

Contempt Petition No. 1162 of 2019

Mrs.Sowndhiram

.... Petitioner

Vs.

1. Thiru.Harminder Singh, IAS,  
The Secretary to Government,  
Municipal Administration and Water Supply Department,  
Secretariat, Chennai - 600 009.

2. Dr.D.Karthikeyan, IAS,  
The Commissioner of Municipal Administration,  
Chepauk, Chennai - 600 005.

3. K.Aarthi,  
The Project Officer,  
Tamil Nadu Corporation for Development of Women Ltd.,  
Dharmapuri,  
Project Officer, Mahalir Thittam,  
District Rural Development Agency,  
II Floor, Collectorate, Dharmapuri 636 705.

4. Thiru.G.Kannan,  
The Commissioner,  
Pollachi Municipality,  
Pollachi 642 001.

5. Thiru.R.Sadheesh,  
The Commissioner,  
Salem Corporation, Salem 636 007.

... Respondents

**Prayer:** The Contempt Petition has been filed under Section 11 of Contempt of Courts Act, 1971 praying to punish the respondents herein for his deliberate and willful disobedience of the order dated 31.07.2017 passed in W.P.No.14654 of 2015 on the file of this Hon'ble Court.

For Petitioner : Ms.AL.Gandhimathi

For Respondents : Ms.K.Bhuvaneswari, AGP

**ORDER**

This Court passed an order dated 31.07.2017 in WP.Nos.12337,14654 & 11837 of 2015, passed the following orders

"4. In view of the rules issued in the G.O.(Ms).No.35, the respondents have to undertake the process of regularizing the service of all these writ petitioners. Accordingly, this Court is of the view that such exercise is to be done without any further delay, in view of the fact that the writ petitioners are working for long years without service benefits. Accordingly, the respondents are directed to take steps for regularization of the service of the writ petitioners and issue suitable orders based on merits, service records and based on the Ad-hoc rules issued as early as possible, in accord with law."

2. The respondent by its order dated 01.08.2018 brought persons including the petitioner into regular time scale of

pay in the cadre of Junior Assistant with effect from 01.09.2006. Stating that it does not amount to compliance of the order dated 31.07.2017, the instant contempt petition has been filed.

3. Ms.AL.Ganthimathi, learned counsel appearing for the petitioner would state that the order dated 01.08.2018 is not proper compliance of the order dated 31.07.2017. According to the learned counsel for the petitioner, her past services should have been taken into account and the order of regularization with effect from 01.09.2006 amounts to contempt.

4. On the other hand, the learned Additional Government Pleader would contend that the order dated 01.08.2018 is complied with. A perusal of the order dated 01.08.2018 would show that the order dated 31.07.2008 has been complied with. Any grievance of the petitioner in respect of the order dated 01.08.2018 can be challenged by way of filing a separate writ petition. The petitioner if so advised can file separate writ petition challenging the date of regularization and also the monetary benefit which according to the petitioner is yet to be paid. Needless to say that the benefit of Section 5 of the Limitation Act would be available to the petitioner in case such a writ petition is

filed to avoid dismissal of writ petition on the basis of delay and latches. The Contempt petition is disposed of.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

pkn

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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

Smi/10/10/2019

To

1. The Secretary to Government,  
Municipal Administration and Water Supply Department,  
Secretariat, Chennai - 600 009.

2. The Commissioner of Municipal Administration,  
Chepauk, Chennai - 600 005.

3. The Project Officer,  
Tamil Nadu Corporation for Development of Women Ltd.,  
Dharmapuri,  
Project Officer, Mahalir Thittam,  
District Rural Development Agency,  
II Floor, Collectorate, Dharmapuri 636 705.

4. The Commissioner,  
Pollachi Municipality,  
Pollachi 642 001.

5. The Commissioner,  
Salem Corporation, Salem 636 007.