



WEB COPY

Cont.P.No.2061 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Cont.P.No.2061 of 2019

in

WP.No.11061 of 2019

S.Ravi

..Petitioner

Vs.

- 1.Mr.Apoorva Varma, IAS
Additional Chief Secretary / Secretary,
Hindu Religious and Charitable Endowment,
Secretariat, Fort St. George, Chennai - 09.
2. Mr.Danapal,
The Joint Commissioner,
The Hindu Religious and Charitable Endowment,
RTO Office Road, Vellore - 632 009.
3. Mr.Vadivel Durai,
The Executive Officer,
Arulmigu Uthira Ranganatha Swamy Thirukoil,
Pallikonda, Anaikattu Taluk, Vellore.
4. J.Ravikumar,
The Trust Thakkar / Inspector,
Arulmigu Uthira Ranganatha Swamy Thirukoil,
Pallikonda, Anaikattu Taluk, Vellore. ..Respondents



Cont.P.No.2061 of 2019

Prayer : This Contempt petition is filed under Section 11 of the Contempt of Court Act, praying to punish the respondent for his willful disobedience in not complying with the order of this Hon'ble Court dated 16.04.2019 made in W.P.No.11061 of 2019.

For Petitioner : Mr.K.Krishnamoorthy
For Respondents : Mr.M.Maharaja,
Spl.Govt.Pleader (HR&CE)

O R D E R

The Contempt Application is filed to punish the respondents for their willful disobedience of the orders of this Court passed in WP.No.11061 of 2019 dated 16.04.2019. The learned counsel for the writ petitioner made a submission that, the writ petitioner was reinstated into service, however, he was posted as a Watchman, wherein, he has to perform other duties and therefore he is constrained to file the Contempt Petition. In other words, he was not reinstated in the post in which he was earlier working.

2. The learned Special Government Pleader appearing on behalf of the respondent department made a submission that, six sanctioned posts are available in Arulmigu Uthira



Cont.P.No.2061 of 2019

Ranganatha Swamy Thirukoil, and out of six posts, the post of Jawan (Day Watchman) alone was vacant and all other posts are already filled up. With reference to the qualifications fixed for the respective posts, the writ petitioner may not be suitable to accommodate in the post of Parisaragar or Thiruvazhagu or Madapalli.

3. This apart, the learned Special Government Pleader brought to the notice of this Court that the departmental disciplinary proceedings have already been completed and the final orders are yet to be passed. The Authorities will pass final orders as expeditiously as possible and thereafter take further steps. This being the facts and circumstances, this Court is of an opinion that, post can never be claimed as a matter of choice. In the Government department, a public servant cannot claim any status. The Contempt Petitioner was placed under suspension and this Court passed an order revoking the order of suspension and accordingly, he was reinstated into service. It was made clear that during the pendency of the departmental disciplinary proceedings, the writ petitioner may be posted in a non-sensitive post. Under these circumstances, the



Cont.P.No.2061 of 2019

department is bound to protect the service conditions including the payment of salary and other benefits. Contrarily, the post cannot be claimed as a matter of right. Thus the salary which was paid to the writ petitioner must be protected and other service conditions are also to be protected. However, with reference to the post, after the completion of the departmental disciplinary proceedings, all necessary actions may be taken by the Authorities concerned.

4. With these observations, Contempt Petition stands closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

pkn

//Certified to be true copy//

Dated at Madras this day of 2020.

COURT OFFICER (O.S.)

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Cont.P.No.2061 of 2019

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