

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.09.2019

CORAM

THE HONOURABLE MR. JUSTICE SUBRAMONIUM PRASAD

Cont.P.No.2555 of 2018 in WP No.28389 of 2012
and Sub Appln.Nos.82 & 83 of 2019

S.Subramanian

..Petitioner in Contempt
 Petition / 1st Respondent
 in Sub Application Nos.82
 & 83 of 2019

Versus

1. Dr.Nirajan Mardi,I.A.S.,
 The Secretary to Government,
 Home (Police IX) Department,
 Chennai 600 009.

.. 1st Respondent in
 Contempt Petition

2. Mr.Mohammed Shakeel Akhter,
 The Additional Director General of Police,
 Armed Police,
 Chennai 600 040.

.. 2nd Respondent in
 Contempt Petition /
 Petitioner in Sub
 Application 83/2019 and
 2nd Respondent in sub
 Application No.82/2019

3. Mr.Shailesh Kumar Yadav,
 The Inspector General of Police,
 Armed Police,
 Chennai 600 010.

.. 3rd Respondent in
 Contempt petition / 2nd
 Respondent in Sub
 Application No.83/2019
 /Petitioner in Sub
 Application No.82/2019

4. Tmt.M.V.Jayagowri.,I.P.S.,
 The Deputy Inspector General of Police,
 Armed Police,
 Chennai 600 010.

.. 4th Respondent in
 Contempt Petition

5. Mr.S.Ayyaperumal,
The Commandant,
TSP IX Battalion,
Manimuthur, Tirunelveli District.

.. 5th Respondents in
Contempt Petition

Contempt petition filed under section 11 of the Contempt of Courts Act to punish the respondents for willful disobedience of the order passed by this Court in WP No.28389 of 2012 dated 18.01.2018.

Sub Application No.82/2019

To dispense with the personal appearance petitioner/3rd respondent herein namely Inspector General of Police Armed Police Kilpauk Chennai-600 010 on 21.02.2019 order dated 21.01.2019 made in Contempt Petition No.2555 of 2018 in W.P.No.28389/2012.

Sub Application No.83/2019

To dispense with the personal appearance petitioner/2nd respondent here in namely Additional Director of Police Armed Police Kilpauk Chennai-600 010 on 21.02.2019 order dated 21.02.2019 made in Cont p.No.2555 of 2018 in WP.No.28389 /2012.

For Petitioner : Mr.Jayaprakash R
For Respondent : Mr.J.Ramesh,
Additional Government Pleader
for R1 to R5.

ORDER

This Contempt petition has been filed alleging non-compliance of the order passed in WP No.28389 of 2012 dated 18.01.2018.

2. This Court vide order dated 18.01.2018 made in WP No.28389 of 2012 had set aside the order in B.O.613/2011 in C.No.A1/10627/2010 dated 22.08.2011 for keeping the promotion in abeyance. The respondents were directed to promote the petitioner as Inspector of Police (Adjutant) for the year 2011-2012 with all the consequential service benefits as applicable to the post. The said direction had to be complied with by the respondent competent authority, within a period of eight weeks from the date of receipt of copy of the order.

3. The learned counsel for the petitioner has submitted that the respondents had taken up the matter for appeal and the Hon'ble Division Bench of this Court vide order dated 12.03.2019, had modified the order by stating that the petitioner would be entitled to be promoted as Inspector of Police (Adjutant) for the year 2011-2012 with all consequential benefits. However, the petitioner would not be entitled to back wages for the period in question. Challenging the Division Bench order, the respondent filed a SLP before the Hon'ble Supreme Court and the same was also dismissed vide order dated 01.07.2019.

5. The learned counsel appearing for the respondent/contemnor submitted that the order which is the

subject matter of the contempt has been complied with vide proceedings of the 2nd respondent dated 26.07.2019 in C.No.Estt.I(1)/6744/2018 R.O.No.181/2019 and he therefore, prays for closure of this contempt petition.

6. It is relevant to extract paragraph No.12 and 13 of the said proceedings :-

"12. Consequent to the above orders, the seniority of Tr.S.Subramaian as Inspector of Police (Adj) is ordered to be fixed placing him on par with his junior Tr.A.Janagan, who was promoted as Inspector of Police (Adj) in this office order sixth cited and his further promotions will be ordered shortly by getting orders from the Government in accordance with law and merits.

13. The Commandants, TSP IX Battalion and TSP IV Battalion will issue necessary orders accordingly and make necessary entires in the service book of Tr.S.Subramanian, Inspector of Police (Adj). The Commandant, TSP IV Vattalion will also send proposal to consider the individual for his further promotion along with his service book and other required records

7. In response to the said submissions, the learned counsel appearing for the petitioner submitted that the petitioner has been given seniority benefits and insofar as other consequential benefits are concerned, only a proposal has been sent to the Government and therefore, it does not amount to full compliance of the order of the learned single Judge.

5. This Court cannot take into consideration the arguments made by the learned counsel for the petitioner and is of the considered view that the order which is the subject matter of this contempt has been complied with by the respondents vide Proceedings No.C.No.Estt.I(1)/6744/2018 R.O.No.181/2019 dated 26/07.2019 and the same has been taken file and recorded. Accordingly, this Contempt petition is closed. Consequently, the connected Sub applications are also closed. Needless to state that the Government will comply with the order of the High Court.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

rka

//Certified to be true copy//

Dated at Madras this the day of 2019.

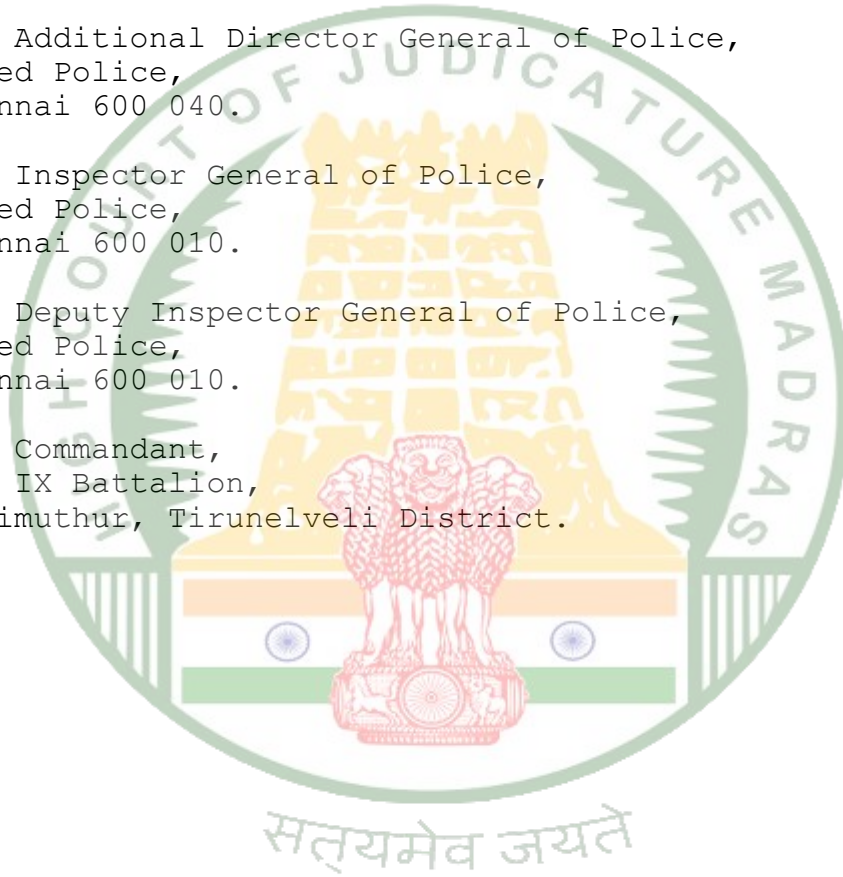
COURT OFFICER(O.S.)

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Smi/04/11/2019

To

1. The Secretary to Government,
Home (Police IX) Department,
Chennai 600 009.
2. The Additional Director General of Police,
Armed Police,
Chennai 600 040.
3. The Inspector General of Police,
Armed Police,
Chennai 600 010.
4. The Deputy Inspector General of Police,
Armed Police,
Chennai 600 010.
5. The Commandant,
TSP IX Battalion,
Manimuthur, Tirunelveli District.



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