



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **18.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Cont.P(MD)No.1597 of 2018

in

W.P. (MD)No.22824 of 2015

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A.M.Sundaravel

: Petitioner / Petitioner

Vs.

1.Karolin Rajasingh,
The Superintending Engineer,
WRO., P.W.D.,
Special Project Circle,
Tirunelveli - 2.

2.T.Vijayakumar,
The Executive Engineer,
WRO., PWD.,
Special Project Division,
Ambasamudram,
Tirunelveli.

3.Rajaram,
The Assistant Executive Engineer,
PWD - Special Project Sub Division-II,
Ambasamudram,
Tirunelveli.

: Contemnors/Respondents 3-5

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the contemnors/respondents 3 to 5 for the willful disobedience of the orders of this Hon'ble Court made in W.P.(MD)No.22824 of 2015, dated 18.12.2015.

Prayer in WP(MD) . 22824 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus directing the respondents, more particularly respondents 3 to 5 to consider the representation of the petitioner dated 10.09.2015, in par with similarly placed persons, benefitd under GO.325/Fin/Pay cell department dated 22.07.2013.



For Petitioner
For Respondents

: Mr.S.Alagarsamy
: Mr.M.Jeyakumar
Additional Government Pleader

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ORDER

The petitioner filed a Writ Petition in W.P.(MD)No.22824 of 2015 for issuing a Writ of Mandamus directing the respondents more particularly the respondents 3 to 5 to consider the representation of the petitioner dated 10.09.2015 in par with similarly placed persons to get benefit under the Government Order in G.O.No.325, Finance (Pay Cell) Department, dated 22.07.2013.

2.The Writ Petition was disposed of with a direction to the respondents 3 to 5 to consider the representation of the petitioner dated 10.09.2015 seeking revised scale of pay as per G.O.No.325, Finance (Pay Cell) Department, dated 22.07.2013 and to pass appropriate order on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of the order. The representation of the petitioner was considered and the second respondent in this contempt petition has passed an order on 21.03.2017 rejecting the representation of the petitioner. The present contempt petition is filed by the petitioner in the Writ Petition stating that the representation of the petitioner was to consider the case of the petitioner in the light of G.O.No.325, Finance (Pay Cell) Department, dated 22.07.2013 which was extended to similarly placed persons. Stating that the petitioner was discriminated, the above contempt petition is filed on the ground that the petitioner was denied the benefit of G.O.No.325, Finance (Pay Cell) Department, dated 22.07.2013, even though it was extended to similarly placed persons.

3.This Court considered the submission of the learned Counsel for the petitioner and the order passed by the second respondent.

4.This Court has not considered the merits of the Writ Petition and the direction was to the respondent to consider the petitioner's representation dated 10.09.2015 on merits and in accordance with law. By getting an order with general direction to dispose of the representation, the petitioner cannot expect the order to be in a particular way. Absolutely, no material is placed before this Court to construe the order passed by this Court as one giving relief to the petitioner. Even if a wrong order is passed, they cannot be taken as wilful disobedience. In that view of the matter, this Court is unable to find any willful disobedience of the order passed by this Court to attract civil contempt.



5.As a result, this Contempt Petition is dismissed. However, liberty is given to the petitioner to challenge the order dated 21.03.2017. No costs.

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// True Copy //

Sd/-

Assistant Registrar (P&A)

Sub Assistant Registrar(CS)

Srm

To

1.The Superintending Engineer,
WRO., P.W.D.,
Special Project Circle,
Tirunelveli - 2.

2.The Executive Engineer,
WRO., PWD.,
Special Project Division,
Ambasamudram,
Tirunelveli.

3.The Assistant Executive Engineer,
PWD - Special Project Sub Division-II,
Ambasamudram,
Tirunelveli.

+1 CC to Mr.S.ALAGARSAMY, Advocate SR-87681.

ORDER MADE IN
Cont.P(MD)No.1597 of 2018
in
W.P. (MD)No.22824 of 2015
18.09.2019

CS(20.09.2019) 3P 5C