



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

CONT.P.(MD)No.1331 of 2018

1.K.Siva Subramanian
2.J.Saravanan
3.N.G.Abraham
4.J.Arul Justin
5.G.Joseph
6.D.Suganthi Ananthavalli
7.M.Gobi Kathis Kumar
8.B.Marikumar
9.A.M.S.Shahul Hameed Badhush
10.M.kalaiselvi
11.J.Persis Jeyathilaka
12.N.Ariyanayagam

... Petitioners

-Vs-

Dr.Issac Solomen Jebamani
The Principal,
Government Engineering College,
Tirunelveli - 627 007.

... Respondent/Contemner

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for willful disobedience of the order in W.P.(MD) No.14249 of 2018 dated 04.07.2018.

Prayer in WP(MD). 14249/ 2018 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the respondents from filling up the Mechanical Engineering, Electrical and Electronics Engineer, Computer Science and Engineering, Electronics and Communication Engineering and Mathematics Teaching Staff posts being held by the petitioners, by appointing any other teaching staffs to the above posts under the third respondent, till the temporary posts are to be filled up, by regular recruitments, in accordance with the procedures, within the time frame as may be fixed by this Honble Court.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For Respondent : Mr.K.Chellapandian, AAG assisted
by Mr.M.Rajarajan, G.A.



ORDER

This contempt petition has been filed for the alleged disobedience of the orders of this Court dated 04.07.2018 made in W.P.(MD) No. 14249 of 2018.

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2.This contempt petition came up for earlier hearings, where, some progress had been shown and the matter was heard at length, arguments of the learned Additional Advocate General as well as the learned counsel appearing for the petitioner was heard.

3.While so, when this contempt petition is taken up for further hearing today, the learned Additional Advocate General has submitted that, since it is a contempt petition and the scope of the issue raised in the main writ petition, is very limited to be adjudicated in this contempt petition, in order to give a quietus for the present issue, especially, in the context of this contempt petition, the respondent wanted to engage the petitioners herein as Lecturers on hourly pay basis and in this regard, even though personal communication orally had been given through phone by the Management of the Institution i.e., Principal of the College concerned, so far, they have not responded to join.

4. However, the learned counsel appearing petitioners submits that, merely based on oral invitation made through phone, the petitioners could not have acted upon in view of the pendency of this contempt petition, however, the petitioners are ready and willing to join in the respondent Institution at any time, provided, if their interest is protected i.e., service protection is made by this Court.

5.I have heard both sides.

6.As has been rightly pointed out by the learned Additional Advocate General appearing for the respondent, since the issue raised in the main writ petition cannot be decided by dealing it at length in this contempt petition, if both parties wanted to give a quietus to the issue especially, in the context of the pending contempt petition and in this context, if the respondent wants to offer the job of hourly basis Lecturers to these petitioners, who have already worked in that capacity in the respondent Institution for sometime, this Court is of the view that the petitioners can accept the said offer and join in the Institution for the time being and other service benefits can be agitated at a later point of time in an appropriate proceedings including in the main writ petition, which is pending consideration before this Court. In that view of the matter, this Court is inclined to dispose this contempt petition with the following direction:



(i) The petitioners herein shall report duty to take the job of Lecturers of the concerned subject, where, they have already been engaged on hourly basis at the respondent College on or before 30.08.2019. Once, the petitioners report before the respondent i.e. the Principal of the respondent Engineering College or any other responsible officer/staff of the College, they shall be taken as Lecturers on hourly basis for the concerned subject, where they already worked and accordingly, they shall be continuously engaged.

(ii) The other disputes raised by the petitioners in the main writ petition can be decided in the main writ petition and the mere joining of the petitioners now pursuant to the offer made by the respondent, will not preclude the petitioners from agitating those issues in the writ petition.

(iii) It is made clear that, within the date mentioned above, i.e., on or before 30.08.2019, if any one of the petitioner does not respond to the call and join to the respondent Institution on or before 30.08.2019, the respondent shall have no responsibility to take them back beyond 30.08.2019.

With this observation and direction, this contempt petition is closed for the time being with liberty to the petitioner to revive the same, if any of the aforesaid direction is not complied with by the respondent.

SD

ASSISTANT REGISTRAR

TRUE COPY

SUB ASSISTANT REGISTRAR (CS II)

To

Dr. Issac Solomen Jebamani
The Principal, Government Engineering College,
Tirunelveli - 627 007.

1CC TO M/S. P.JESSI JEEVA PRIYA, ADVOCATE SR 83516

Order made in CONT. P. (MD) No. 1331 of 2018
26.08.2019

Arul
JM/27.08.2019/3P-3C