

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2020

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THE HON'BLE MR.JUSTICE P.VELMURUGAN

Contempt Petition Nos.1671, 1806 to 1813 of 2010

in

W.P.Nos. 40561, 41208, 41210 of 2005 & 153, 152/2006 & 40558 of 2005, 154 of 2006, 41209 of 2005 and 41207 of 2005

- | | |
|----------------|---|
| 1. T.Paulraj | ..Petitioner in Cont.P. No.1671 of 2010 |
| 2. C.John | ..Petitioner in Cont.P. No.1806 of 2010 |
| 3.E.Selvaraj | ..Petitioner in Cont.P. No.1807 of 2010 |
| 4. S.Wilson | ..Petitioner in Cont.P. No.1808 of 2010 |
| 5. P.Justinraj | ..Petitioner in Cont.P. No.1809 of 2010 |
| 6.A.Lukose | ..Petitioner in Cont.P. No.1810 of 2010 |
| 7.G.George | ..Petitioner in Cont.P. No.1811 of 2010 |
| 8.T.Ramesh | ..Petitioner in Cont.P. No.1812 of 2010 |
| 9.T.Selvamony | ..Petitioner in Cont.P. No.1813 of 2010 |

Vs

1.K.Allaudin I.A.S.,
Principal Secretary to Government,
Rural Development Department,
Fort St.George,Chennai.

2. T.Udayachandran, I.A.S.,
Director of Rural Development,
Panagal Buildings, Chennai-600005.

..Respondents 1&2 in all Contempt
Petitions

3.M.Selvan
President,
Manjalamoodu Panchayat,
Melpuram Panchayat Union,
Kanyakumari District

..Respondent No.3 in Contp.No. 1671 of
2010

4. K.Suseela,
President,
Vellancode Panchayat
Melpuram Panchayat Union,
Kanyakumari District

..Respondent No.3 in Contp.No. 1807 of 2010

5. C.Devaraj @ Yehova
President
Nattalam Panchayat,
Killiyur Panchayat Union,
Kanyakumari District

..Respondent No.3 in Contp.No. 1808 of 2010

6. C.Maia Selvi Vilasini
President
Muzhucode Panchayat
Melpuram Panchayat Union,
Kanyakumari District

..Respondent No.3 in Contp.No. 1809 of 2010

7. R.Jenita
President,
Devicode Panchayat,
Melpuram Panchayat Union,
Kanyakumari District

..Respondent No.3 in Contp.No. 1810 of 2010

8. C.Devaraj @ Yehova
President
Nattalam Panchayat,
Killiyur Panchayat Union,
Kanyakumari District

..Respondent No.3 in Contp.No. 1811 of 2010

9. K.Suseela,
President,
Vellancode Panchayat
Melpuram Panchayat Union,
Kanyakumari District

..Respondent No.3 in Cont.p.Nos. 1812 &
1813 of 2010

10.Mr.Russilayan,
President,
Puliyursalai Panchayat,
Melpuram Panchayat union,
Kanyakumari District.

..Respondent No.3 in Cont.P.No.1806 of 2010

Common Prayer: Contempt Petitions filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for committing contempt of court by their failure to comply with the directions issued by this Court in W.P.No. 40561 of 2015 dated 26.11.2009 and W.P.Nos. 41208, 41210 of 2005 & 153, 152/2006 & 40558 of 2005, 154 of 2006, 41209 of 2005 and 41207 of 2005, dated 25.11.2009.

For Petitioners : Mr.P.Mohanraj
(in all the petitions)
For Respondent : Mr. M.Elumalai, AGP
(in all the petitions)

COMMON ORDER

These Contempt Petition have been filed to punish the respondents for committing contempt of court by their failure to comply with the directions issued by this Court in W.P.Nos. 40561, 41208, 41210 of 2005 & 153, 152/2006 & 40558 of 2005, 154 of 2006, 41209 of 2005 and 41207 of 2005

2. Today, when the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondents has submitted that against the orders passed by this Court in W.P.Nos. 40561, 41208, 41210 of 2005 & 153,

152/2006 & 40558 of 2005, 154 of 2006, 41209 of 2005 and 41207 of 2005, the Government has preferred writ appeals in W.A.Nos. 514 to 521 of 2014 before the Hon'ble Division Bench of this Court. The learned Additional Government Pleader has also produced a copy of the interim order dated 10.11.2020 passed by the Hon'ble Division Bench of this Court, wherein the Hon'ble Division Bench has issued certain directions to the Appellant -State Government, which reads as follows;

"After hearing the learned Government Pleader Mr.V.Jayaprakash Narayan for some time, we are satisfied that the State cannot be permitted to adopt an unfair labour practice/stand in the matter of absorption of Part-time Water Assistants, who have worked for almost 30 to 40 years by now and they cannot be kept out of the realm of regularisation after so many years of working. The State being a Welfare State cannot be allowed to take such an unfair stand in the matter. There was no reason not to provide sanctioned posts for all these years.

2. Therefore, we direct the Appellant-State Government to take a proper decision for regularisation of the services of the Respondents besides and after G.O.74 dated 27.6.2013 in which cut off date of 31.3.2006 was given, was placed before us. If a proper and positive decision is not taken before the next date, the Director and Secretary concerned in the Rural Development & Panchayat Raj Department will remain present in the Court on the next hearing date. The decision of the State should be taken in consultation with the Respondents Workmen/their representative Associations.

List the matter on 15.12.2020."

3. In view of the above order passed by the Hon'ble Division Bench, these contempt petitions are closed for the present. However, liberty is given to the petitioners to reopen the orders passed by the learned Single Judge or otherwise file fresh contempt petitions, if the Appellant -State Government/respondents herein failed to comply the directions issued by the Hon'ble Division Bench. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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

SMI/15/12/2020

सत्यमेव जयते

To

1.The Principal Secretary to Government,
Rural Development Department,
Fort St.George,Chennai.

2. The Director of Rural Development,
Panagal Buildings, Chennai-600005.

3. The President,
Manjalamoodu Panchayat,
Melpuram Panchayat Union,
Kanyakumari District

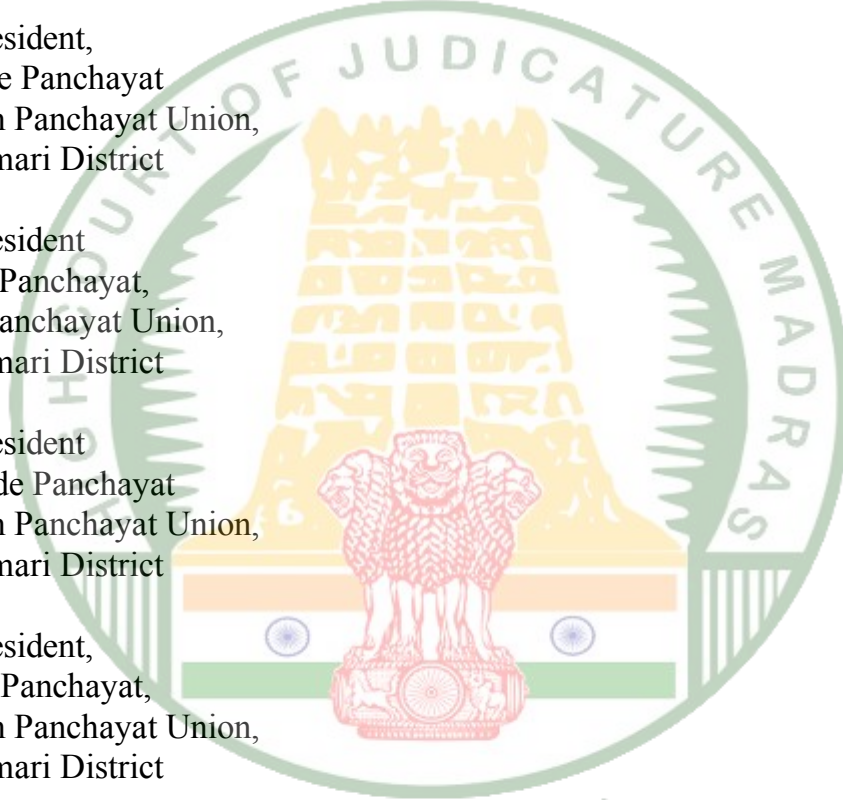
4. The President,
Vellancode Panchayat
Melpuram Panchayat Union,
Kanyakumari District

5. The President
Nattalam Panchayat,
Killiyur Panchayat Union,
Kanyakumari District

6. The President
Muzhucode Panchayat
Melpuram Panchayat Union,
Kanyakumari District

7. The President,
Devicode Panchayat,
Melpuram Panchayat Union,
Kanyakumari District

8. The President,
Puliyur Salai Panchayat,
Melpuram Panchayat Union,
Kanyakumari District.



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