

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM:
THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Contempt Petition No.1509 of 2015

1. S.Sadasivam
 2. V.Rajagopal
 3. R.Jayaram
 4. M.Joseph
- Petitioners

vs.

M.Shanmugam, I.A.S,
Principal Secretary to Government,
Finance (Pay cell) Department,
Secretariat, Chennai – 600 009.

... Respondent

Contempt Petition filed under Order 11 of the Contempt of Courts Act, 1971, praying to punish the Respondent herein for violating the order dated **23.10.2009** passed by this Court in **W.P.No.29177 of 2008**.

For Petitioners : Mr.Sedhu Madhavan,
for Mr.M.Ravi

For Respondent : Mr.M.Elumalai,
Addl. Government Pleader

ORDER

This Contempt Petition is filed alleging willful disobedience of the order dated **23.10.2009** made in **W.P.No.29177 of 2008**.

2. Today, when the matter is taken up for hearing, it is represented by the learned Additional Government Pleader appearing for the Respondents that, originally 114 similarly placed persons including the Petitioners herein, filed different batch of Writ Petitions. Aggrieved by the orders passed in the Writ Petitions, they filed **W.A.Nos.383 to 391 of 2009**, which came to be dismissed by a Division Bench of this Court vide judgment dated **01.09.2009**. Subsequently, challenging the dismissal of the Writ Appeals, the Government filed Special Leave Petitions before the Supreme Court. The Supreme Court vide **judgment dated 25.02.2015** dismissed **S.L.P.No.35969 of 2009** without a speaking order. Thereafter, the Government filed Review Petitions before a Division Bench of this Court and the same are pending.

3. Learned Additional Government Pleader has produced a copy of the Written Instructions from the Government vide **Letter No.20681/CMPC/2017-1, dated 20.04.2017**. For better appreciation, relevant portion of the same is extracted hereunder:

“5. As the orders of the Hon'ble High Court dated 23.10.2009 in W.P.No.29177 of 2008 is that the Petitioners in the above Writ Petition are also entitled for the benefit of the order passed by the Division Bench dated 01.09.2009 and that the Review Petitions have been filed against the above order dated 01.09.2009 and pending before the Division Bench for hearing. The benefit of the Division Bench order could

not be complied to the petitioners in the order dated 23.10.2009 in W.P.No.29177 of 2008, until the receipt of final verdict in the Review Petitions filed before the Division Bench of Madras High Court. Hence, I am to request you to enter appearance before the Hon'ble High Court at the time of next hearing of Contempt Petition and apprise the above facts to the Court and arrange to close the Contempt proceedings in the matter and intimate the fact to Government immediately.”

4. Taking note of the above proceedings and recording the submissions of the learned Additional Government Pleader, **this Contempt Petition is closed.** If the Petitioners have any grievance, it is open to them to agitate the same in the manner known to law.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

aeb/jas

//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/11/11/2020

To

The Principal Secretary to Government,
Finance (Pay cell) Department,
Secretariat, Chennai – 600 009.