

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2020

CORAM

THE HON'BLE Mr. JUSTICE **M.M.SUNDRESH**

and

THE HON'BLE Mr. JUSTICE **KRISHNAN RAMASAMY**

Cont.P.No.1913 of 2019

Pondicherry Bharathiyar Palkalai Koodam
Staff Association rep. by its Secretary
S.Elumalai

.. Petitioner

Vs.

1.Ashwani Kumar, I.A.S.,
The Union of India
The Chief Secretary to Government
of Puducherry,
Puducherry.

2.A.Anbarasu, I.A.S.,
The Secretary to Government,
Arts and Culture,
Government of Puducherry,
Puducherry.

3.Devesh Singh, I.A.S.,
The Secretary to Government,
Public Works Department,
Puducherry.

4.Ashok Kumar, I.A.S.,
The Secretary to Government,
Department of Revenue and Disaster
Management, Puducherry.

5.R.Sai Subramaniam,
The Executive Engineer,
Public Works Department,
Buildings & Roads (North Division),
Government of Puducherry,
Puducherry.

6.Devesh Singh, I.A.S.,
Bharathiyar Palkalai Koodam Society
rep. by its Vice Chairman,
Ariyankuppam, Puducherry.

Respondents

Petition filed under Section 11 of Contempt of Courts Act to punish the respondents for the wilful disobedience of the order dated 31.03.2016 in W.P.No.6776 of 2016.

For Petitioner ... Mr.S.P.Vijayaraghavan

For Respondent ... Mr.Syed Musthafa,
Spl. Govt. Pleader

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

Alleging that the order dated 31.03.2016 passed by this Court in W.P.No.6776 of 2016 has not been complied with, the present contempt petition has been filed.

2.Today, an affidavit has been filed by the fifth respondent, wherein it

has been stated as under:

9.I respectfully submit that it is only upon the receipt of “No Objection Certificate” from the Deputy Secretary to Government (Art and Culture Department), Puducherry, dated 24.05.2017, action was taken by the Public Works Department to go in for re-tender. The revised tender notice was issued by the Chief Engineer, Public Works Department vide Letter No.3656/PW/CE/EE(P)/AE(P)3/F.1004/2017-18 dt. 18.01.2018 who is the competent authority as per the delegation of financial powers in accordance with CPWD Works Manual 2014. Thereafter, tender was called for on 21.02.2018 and the lowest tender of M/s.Sri Ganesh Kumar Construction was submitted to the Chief Engineer, Public Works Department for further consideration and approval/order vide I.D.No.809/PW/BRN/DB/D1/3-12/2017-18 dt. 27.2.2018. The tender was duly approved by the Chief Engineer, Public Works Department vide Letter No.4217/PW/CE/EE(P)/AE(P)-3/F.No.1004-BRN (13) / Vol-II/2017-18 dated 16.03.2018 and necessary work order was issued on 04.12.2018. The work was executed and an amount of Rs.1.5 crores was booked and an amount of another Rs.50 lakhs is due for payment for the work done as on date.

10. I further respectfully submit that the Director, Art and Culture Department who is the 9th respondent in the Writ Petition No.6776 of 2016, in reply to the Advocate Notice dated 22.03.2019 in their communication in letter

No.BPK/Civil station/BRN/2019 dated 17.10.2019 has stated that they have been directed to take over the civil station building being constructed by Public Works Department in Bharathiyar Palkalaikoodam campus after completion and the same has been communicated to the Public Works Department and that therefore transfer of land does not arise and resultantly no affiliation issue with AICTE relating to shortage of land will arise. Thus the Executive Engineer, Buildings & Roads (North) Division, PWD, Puducherry, who is the 5th respondent herein each and every point of its movement in taking up the work has complied with the order of this Hon'ble Court and therefore the allegation of the petitioner that the respondent has wilfully disobeyed the orders of this Hon'ble Court is incorrect and is vehemently denied.

3.In view of the above, nothing survives in this contempt petition and the same is accordingly closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

MMI

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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SMI/20.08.2020

To

1. The Chief Secretary to Government
of Puducherry,
The Union of India
Puducherry.

2. The Secretary to Government,
Arts and Culture,
Government of Puducherry,
Puducherry.

3. The Secretary to Government,
Public Works Department,
Puducherry.

4. The Secretary to Government,
Department of Revenue and Disaster
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The Executive Engineer,
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