

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

Contempt Petition No.1623 of 2019

R. Karthikeyan

Petitioner

-VS-

1.Mr.Harmander Singh, I.A.S.,
The Secretary to Government,
Municipal Administration and Water
Supply (MC4) Department,
Fort St. George,
Chennai – 600 009.

2. Mr.Chandrakat B. Kamble I.A.S.,
The Commissioner of Municipal Administration,
Ezhilagam, Chennai – 600 005.

3. Mr.J. Saravanan Kumar I.A.S.,
The Commissioner,
Coimbatore Corporation,
Coimbatore – 641 001.

.... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act,
praying to punish the Respondents for willful disobeying the order passed by this

Court in W.A.No.1321 of 2012 dated 16.11.2016.

For Petitioner : M/s S. Gopinathan
K. Francis

For R.1 & R.2 : Mr.S. Kamalesh Kannan
Government Advocate

For R.3 : Mr.R. Sivakumar

ORDER

(Order of the Court was made by Subramonium Prasad,J.,)

The Division Bench of this Court by judgment dated 16.11.2016 in W.A.Nos.1321 to 1324 of 2012 had passed the following order:-

“ 44. Going through the entire material on record, we are of the clear view that the writ petitioners ought to have been extended the benefit of pay protection benefits of their 30 years of service in the erstwhile Textile Corporation and cannot be placed at the initial pay.

45. For the reasons stated, the order of the writ Court is set aside. Hence, the writ appeals are allowed, as prayed for. The respondents are directed to absorb the appellants and pay the retiral benefits, by counting the services rendered in the Textile Corporation, within a period of two months, from the date of receipt of a copy of this order.”

Since the order was not complied with, the present contempt petition has been filed.

2. During the pendency of the contempt petition, the Government has implemented the order by passing G.O.Ms No.5 Municipal Administration and Water Supply (MC.4) Department dated 09.01.2020. The relevant portions of the Government Order are re-produced hereunder:-

“ 11. In view of the orders passed by the Hon'ble High Court of Madras in Writ Appeal No.1321 of 2012 dt:16.11.2016 received by Government on 29.03.2019, the opinion of the Government

Pleader dated 10.07.2019 and in order to avoid the Contempt Proceedings, the Commissioner, Coimbatore Corporation has sent a proposal and requested the Government to permit him to absorb the appellants and to pay the retiral benefits by counting the service rendered in the Tamil Nadu Textile Corporation Viz., Thiru P. Ramakrishnan in scale of pay of Rs.9300-34800+GP Rs.5700 and K. Mohan, M. Anbazhagan and R. Karthigeyan in the scale of pay of Rs.9300-34800+GP Rs.4400. The Commissioner of Municipal Administration recommended the above proposal of of the Commissioner, Coimbatore Corporation to the Government for appropriate orders.

12. The Government after careful examination of the proposal of the Commissioner of Municipal Administration, the opinion offered by the Government Pleader, High Court of Madras, orders of High Court of Madras made in Writ Appeal Nos.1321 to 1324 of 2012 dated 16.11.2016 have decided to accept the proposal of the Commissioner of Municipal Administration

and direct the Commissioner, Coimbatore Corporation to absorb the appellants and to pay the retirement benefits by counting the service rendered in the Tamil Nadu Textile Corporation viz., Thiru.P. Ramakrishnan in the scale of pay of Rs.9300-34800 + Rs.5700 (GP) and K. Mohan, M. Anbazhagan and R. Karthigeyan in the scale of pay of Rs.9300-34800+Rs.4400 (GP) as a special case and order accordingly.”

3. A perusal of the above would show that the order of this Court has been complied with and it has been decided to absorb the petitioner / appellant and to pay the terminal benefits by counting the services rendered by him in the Textile corporation.

4. Learned counsel for the Tamil Nadu Textile Corporation would state that the payments would be effected within a period of four weeks from today.

5. Recording the undertaking given by the learned counsel for the Tamil Nadu Textile Corporation that payments will be made within four weeks and also

taking note of the fact that G.O.Ms No.5 Municipal Administration and Water Supply (MC.4) Department dated 9.01.2020 has been passed absorbing the petitioner / appellant in the Textile Corporation, the contempt petition is closed and the notices are discharged.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

sr

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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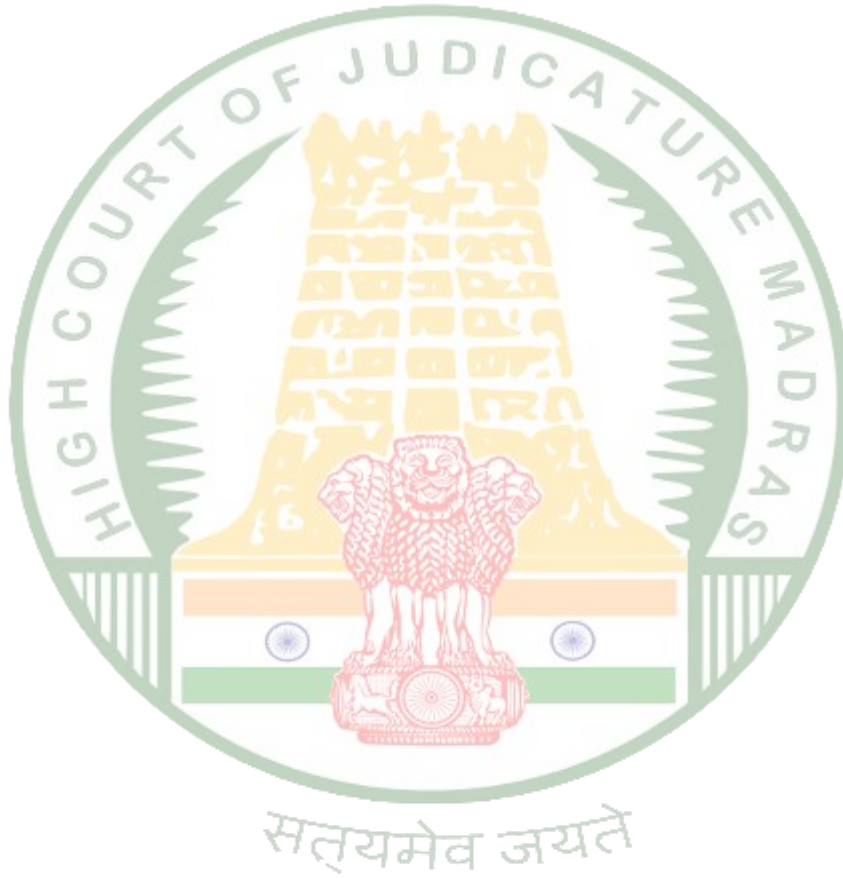
SMI/10.03.2020

To

1.The Secretary to Government,

Municipal Administration and Water
Supply (MC4) Department,
Fort St. George,
Chennai – 600 009.

2. The Commissioner of Municipal Administration,
Ezhilagam, Chennai – 600 005.
3. The Commissioner,
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