

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2020

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

Cont.P.No.1352 of 2017
in W.P.No.16107 of 2012

Mrs.P.Neela

... Petitioner

-vs-

1. S.K.Prabhakar I.A.S.,
The State of Tamil Nadu,
Rep. by its Secretary,
Public Works Department,
Fort St.George, Chennai-600 009.
 2. R.Jayasingh,
The Principal Chief Engineer (Buildings),
Public Works Department,
Fort St.George, Chennai-600 009.
 3. P.K.Ramani
The Executive Engineer,
Public Works Department,
South Presidency Division,
Chepauk, Chennai-600 005.
- ... Respondents

Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act, 1971, seeking to punish the respondents for the violation and non-compliance of the order of this Hon'ble Court in W.P.No.16107 of 2012 dated 04.07.2012.

For Petitioner : Mr.Sarath Chandran
For Respondents : Mr.M.Elumalai
Addl. Govt. Pleader

ORDER

(The case has been heard through video conference)

The contempt petition has been filed to punish the respondents for willful disobedience of the order passed by this Court in W.P.No.16107 of 2012 dated 04.07.2012.

2. The learned Additional Government pleader appearing for the respondents submitted that the order dated 04.07.2012 made in W.P.No.16107 of 2012 has been complied with and also produced a copy of the Government Order dated 25.09.2018 to that effect.

3. Learned counsel for the petitioner stated that on perusal of the Government Order dated 25.09.2018, especially Paragraph No.11, there is discrimination in respect of regularization of the services of the petitioner. For the sake of brevity, Paragraph No.11 is extracted hereunder:

“11. Accordingly, the Government direct that the services of the following 35 persons, who are the eligible petitioners as per the orders of the High Court of Madras dated 4.7.2012 in W.P.No.16107 of 2012, be regularized in the post of Helper, with effect from the dates mentioned against them in the following table in relaxation of rules mentioned against

them as furnished below, with notional fixation of pay from the date of regularization, with monetary benefit from the date of issue or orders, subject to the condition that the non working period of A.Janaki, D.Pushbavathi, E.Elisabeth Rani, B.Renuga, S.Lakshmi, E.Ambika, N.Kaliyaperumal, E.Yasodha and S.Rani shall be treated as absence to duty, as a special case and that this should not be quoted as a precedent in future.”

4. A close scrutiny of the said Government Order dated 25.09.2018 makes it clear that there is no discrimination, as it has been stated in the order that other persons have been treated as absence to duty as a special case and it cannot be quoted as a precedent in future.

5. In view of the above, this contempt petition is closed. In case the petitioner is aggrieved by the said Government Order, it is open to her to challenge the same in accordance with law.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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SMI/30/12/2020

To

1. The State of Tamil Nadu,
Rep. by its Secretary,
Public Works Department,
Fort St.George, Chennai-600 009.
2. The Principal Chief Engineer (Buildings),
Public Works Department,
Fort St.George, Chennai-600 009.
3. The Executive Engineer,
Public Works Department,
South Presidency Division,
Chepauk, Chennai-600 005.



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