



Cont. P. No.1714 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Cont. P. No.1714 of 2019

in

W.A.No.134 of 2015

S.D.Madasamy,
S/o.Dhanushkodi,
No.7, Indira Ninaivu Kudiyiruppu Colony,
Melakarisalkulam, Sivagiri Taluk,
Rayagiri Post 627 764, Tirunelveli District.

... Petitioner

Vs

1.Harmander Singh, I.A.S.,
The Secretary to Government,
Rural Development (Special Panchayat) Department,
Secretariat, Fort St. George,
Chennai 600 009.

2.S.Palanisamy, I.A.S.,
The Director of Special Village Panchayats,
Kuralagam,
Chennai 600 108.

3.Shilpa Prabakar Sathish, I.A.S.,
The District Collector,
Tirunelveli District, Tirunelveli.

... Respondents

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for wilfully disobeying the orders passed by this Court in W.A.No.134 of 2015 dated 06.09.2018.



For Petitioner : Mr.G.Sankaran

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For Respondent : Mr.V.Jayaprakash Narayanan
Government Pleader
Assisted by Mr.M.Elumalai,
Government Advocate

ORDER

The petitioner was working as a Sanitary Supervisor and he was given promotion as Junior Assistant. The Petitioner's prayer was rejected and therefore, the petitioner was compelled to challenge the order passed by the 1st respondent/Government by filing Writ Petition No.19439 of 2005. The Writ Petition was allowed, against which Writ Appeal No.134 of 2015 was filed and the same was also dismissed on 06.09.2018, holding that proper procedure for determination of seniority for the purpose of promotion by transfer of service from among the lower cadre employees working in the Panchayat Service should be based on cadre wise seniority and not general seniority as per the Government letter dated 22.03.1999 against which SLP was filed by the Government in SLP.Diary No.39075/2019 on 17.02.2020. Thereafter only, the compliance order has been passed on 21.02.2020, when the petitioner filed Contempt Petition on 09.09.2019. It seems that after the filing of Contempt Petition only, the appellant has been made to file SLP along with condone delay petition and thereafter, the condone delay petition has also been dismissed.



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2. It is seen from the records that it is not only in this case, the Government is not prosecuting properly by filing an appeal or SLP against an adverse order. Only when the Contempt Petition is filed, the Government wakes up and along with condone delay petitions, SLPs are filed and even after dismissal of SLPs, review petitions are filed by the Government. Because of this kind of attitude of the Government, people who come to the Court get frustrated and lose faith in the justice delivery system. It is very unfortunate that the Government itself is mainly responsible for this kind of delay. The people should be encouraged to approach the Court to seek relief and the relief should be made available in time, failing which, the people will lose faith in the judiciary.

3. In this case, the Sanitary Supervisor has been made to fight from the year 2005 onwards and at every stage he had to fight even after getting positive orders from Writ Court as well as he has been compelled to file Contempt Petition and the Government has approached the Hon'ble Supreme Court and got the dismissal order and thereafter only, the compliance order has been passed in Na.Ka.No.2840/2007/Pa4, dated 14.02.2020 by the District Collector, pursuant to the order passed by this Court and the same has been filed before this Court.

This Court hopes at least in future the Government would act swiftly so that, the



proceedings would reach finality.

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4.Mr.T.Kutralalingam, Assistant Director of Town Panchayat, Tirunelveli Zone is present before this court. The same is recorded.

5.Though the order has been passed, there is no mention about the monetary benefits, as per the order passed by this Court. Therefore, the respondents are directed to settle the monetary benefits with all dues within a period of eight weeks from the date of receipt of a copy of this order, failing which the respondents shall appear before before this Court on 20.04.2020.

6.Accordingly, the Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

sai

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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SMI/18.03.2020

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To

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- 2.The Director of Special Village Panchayats,
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Chennai 600 108.
- 3.The District Collector,
Tirunelveli District, Tirunelveli.
4. Assistant Director of Town Panchayat,
Tirunelveli.