



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

Cont.P. (MD)No.1721 of 2019

B.Mujphur Rahman

... Petitioner

-vs-

1.K.Veera Ragava Rao,
The District Collector,
Ramanathapuram District, Ramanathapuram.

2.Chandramohan,
The President / Special Officer,
Sembadarkulam Panchayat,
Mandapam Union, Ramanathapuram District.

3.R.Rajendiran,
The Block Development Officer,
Mandapam Union, Ramanathapuram District.

R3 name is amended vide Court order
dated 03.12.2019 in Cont P(MD)No.1721/2019
in WP(MD)No.2599/2009

... Respondents

PRAYER: Petition filed under Section 11 of Contempt of Courts Act to punish the respondents herein for disobeying the order of this Court in W.P.(MD)No.2599 of 2009 dated 20.11.2018.

Prayer in WP(MD). 2599/ 2009 :

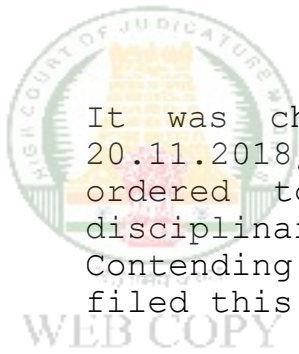
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Certiorarified Mandamus to call for the records pertaining to the respondents impugned order dated 18.2.2009 in proceeding with Na.Ka.No.1-09 and quash the same and consequently regularize the petitioner s service as the clerk in the Sembadayarkulam Panchayat Office.

For Petitioner: Mr.B.Mujphur Rahman
Party in person

For Respondents: Mrs. S.Srimathy,
Special Government Pleader

O R D E R

The petitioner was working as a clerk in Sembadayarkulam panchayat. He was terminated from service by order dated 18.02.2009.
<https://hcservices.ecourts.gov.in/hcservices/>



It was challenged in W.P.(MD)No.2599 of 2019. By order dated 20.11.2018, the same was set aside and the writ petitioner was ordered to be reinstated. However, liberty was given to the disciplinary authority to proceed afresh and in accordance with law. Contending that the order was not complied with, the petitioner has filed this Contempt Petition.

2.The case was adjourned on several occasions. Today (22.01.2020), the learned Special Government Pleader for the respondents submitted that the order passed by this Court has been complied with. She produced a copy of the proceedings dated 03.01.2020 issued by the Block Development Officer concerned. But then, the petitioner pointed out that the petitioner has been posted only in a leave vacancy and not in a regular vacancy.

3.The learned Special Government Pleader wanted me to issue a direction to the Personal Assistant to the District Collector. But then, I am not able to accept the said request. This is because, the petitioner was working only as a Clerk in Sambadayakulam Panchayat Office. Following his dismissal, he filed a writ petition in the very same year which came to be ordered after nine years. Therefore, any filling up of the vacancy in the intervening period will have to necessarily abide by the outcome of the writ proceedings. The respondents cannot take a stand that there is no vacancy in Sambadayarkulam Panchayat now. It is for the third respondent to make appropriate arrangement to accomodate the petitioner herein.

4.The learned Special Government Pleader stated that the petitioner was employed abroad and she wanted the passport details. The petitioner claims that the passport has gone missing. The petitioner makes a solemn statement that he would furnish a copy of the complaint he lodged before the police in this regard to the third respondent. The said submission is recorded.

5.This Contempt Petition is closed with the aforesaid direction. It is always open to the petitioner to file any miscellaneous petition in this very Contempt Petition if he is aggrieved in future.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1. The District Collector,
Ramanathapuram District, Ramanathapuram.
2. The President / Special Officer,
Sembadarkulam Panchayat, Mandapam Union,
Ramanathapuram District.
3. The Block Development Officer,
Mandapam Union, Ramanathapuram District.

+1 CC to M/s.Mujibur Rahman (PARTY IN PERSON) (SR-1135)

+1 CC to M/s.Special Govt.Pleader (SR-2593[F] dated 23/01/2020)

Cont.P. (MD)No.1721 of 2019
22.01.2020

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SDS(10.02.2020) 3P-6C