

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1760 of 2021 and
WMP Nos.1965, 1967 & 1968 of 2021

K.Shanthi

... Petitioner

Vs

1.The Commissioner of Municipal Administration,
No.75, Santhome High Road,
MRC Nagar, R.A.Puram,
Chennai - 600 028.

2. The Commissioner,
Arakonam Municipality,
Arakonam.

3. The Commissioner,
Krishnagiri Municipality,
Krishnagiri District - 635 001.

....Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating the impugned charge memo issued by the 2nd respondent in Na.Ka.No.2751/2016/C1, dated 26.02.2018 and quash the same and consequently to direct the 2nd respondent to consider the name of the petitioner in the panel of Town Planning Officer Grade - I prepared for the year 2019-2020, on par with her Junior Thiru P.Velayutham who was promoted as Town Planning Officer Grade I on 26.07.2019 with all monetary and service benefits. सत्यमेव जयते

For Petitioner : Mr.S.N.Ravichandran

For Respondents: Mr.J.Pothiraj, (for R1)

Special Government Pleader

Mr.V.Jayaprakash Narayanan,

Government Pleader (for R2 and R3)

O R D E R

This writ petition has been filed, seeking to quash the impugned charge memo issued by the 2nd respondent in Na.Ka.No.2751/2016/C1, dated 26.02.2018 and consequential direction to the 2nd respondent to consider the name of the

petitioner in the panel of Town Planning Officer Grade - I prepared for the year 2019-2020, on par with her Junior Thiru P.Velayutham, who was promoted as Town Planning Officer Grade I on 26.07.2019 with all monetary and service benefits.

2. Mr.J.Pothiraj, learned Special Government Pleader takes notice for R1 and Mr.V.Jayaprakash Narayanan, learned Government Pleader appears for R2 and R3. By consent of both the parties, this writ petition is taken up for hearing at the admission stage itself.

3. The petitioner has already approached this Court by way of filing a writ petition in W.P.No.13351 of 2020 and by an order dated 23.09.2020, this Court, while refusing to interfere with the charge sheet, passed the following order and the relevant paragraph No.7 of the said order is extracted hereunder:

"7. Therefore, the writ petition is disposed with a direction to the respondents / competent authority to process and complete the disciplinary action expeditiously in terms of the Rule position and the disciplinary authority on the enquiry report being submitted, shall pass final orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the same to the petitioner."

4. According to the petitioner, despite the aforesaid direction, no orders have been passed till date, which forced the petitioner to file another writ petition for quashing the charge memo as the respondent has not complied with the earlier orders of this Court.

5. It is seen that the petitioner has filed the present writ petition for the very same relief, which has already been granted by this Court on 23.09.2020. A bare reading of the relief sought for in this Writ Petition itself discloses the fact that the present Writ Petition is not maintainable and taking note of Article 215 of the Constitution of India, contempt alone is maintainable for non compliance of the orders of this Court. Though there is a limitation prescribed for invoking the provisions of Section 20 of the Contempt of Courts Act to punish the contemnor, the said provision may be restricted only to a criminal contempt and not to a civil contempt.

6. The question whether there is a wilful disobedience of the orders of this Court or not can be gone into by the Court only in contempt proceedings, if any such petition is moved by the petitioner and the Writ jurisdiction is not an alternative forum for the petitioner to ask for implementation of the orders of this Court dated 23.09.2020 passed in W.P.No.13351 of 2020.

7. Hence, finding no merits in the Petition, the Writ Petition is ordered to be dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vum

To:

1.The Commissioner of Municipal Administration,
No.75, Santhome High Road,
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Arakonam.

3. The Commissioner,
Krishnagiri Municipality,
Krishnagiri District - 635 001.

+1 CC to Mr.S.N.Ravichandran, Advocate sr 5130.

+1 Cc to The Government Pleader sr 5548.

W.P.No.1760 of 2021 and
WMP Nos.1965, 1967 & 1968 of 2021

GP(CO)
SP(01/03/2021)

सत्यमेव जयते

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