



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Cont.P.(MD) Nos.824 and 837 of 2021

in W.A.(MD) Nos.989 and 990 of 2019

in W.P.(MD) Nos.15808 and 15809 of 2018

S.Kalavathi

... Petitioner/Respondent No.1
in Cont.P.(MD) No.824/2021

V.Kanagamani

... Petitioner/Respondent No.1
in Cont.P.(MD) No.837/2021

Vs

1.Mr.Hans Raj Varma, I.A.S.,
Government Additional Chief Secretary,
The Principal Secretary to Government,
Rural Development and Panchayat,
Raj Development Secretariat,
Chennai.

... Contemnor/2nd Respondent
in both Contempt Petitions

2.Shri.M.Aravind, I.A.S.,
District Collector,
Kanyakumari District,
Nagercoil.

3.Smt.S.Mercy Ramya, I.A.S.,
Additional Collector and Project Director,
DRDA, Kanyakumari District,
Nagercoil.

... Contemnors/Appellants 1 & 2
in both Contempt Petitions

COMMON PRAYER: Petition under Section 11 of the Contempt of Court Act, to punish the contemnors/respondents 1 to 3 for their wilful disobedience of the order of this Hon'ble Court in W.A.(MD) Nos.989 and 990 of 2019 dated 31.07.2020.

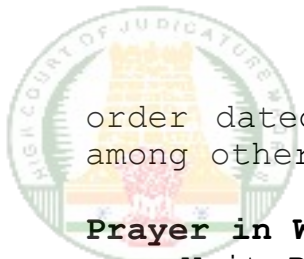
Prayer in WA(MD) . 989/ 2019 :

To prefer the following Memorandum of Grounds of Writ Appeal as against the order passed by Honourable Mr.Justice R.Mahadevan, order dated 14.02.2019 in WP(MD)No.15808 of 2018 for the following among other grounds.

Prayer in WA(MD) . 990/ 2019 :

To prefer the following Memorandum of grounds of writ appeal as against the order passed by Honourable Mr.Justice R.Mahadevan,

<https://hcservices.ecourts.gov.in/hcservices/>



order dated 14.02.2019 in WP(MD)No.15809 of 2018 for the following among other grounds.

Prayer in WP(MD). 15808/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records in connection with the impugned order in Proc.No.A1/1048/2017-2 dated 11.04.2017 passed by the 2nd respondent Collector Cum Chairman, District Rural Development Agency, Nagercoil and quash the same and pass an order to regularize the services of the petitioner from the date of her initial appointment and grant all monetary benefits and other benefits

Prayer in WP(MD). 15809/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records in connection with the impugned order in Proc.No.A1 / 1048 / 2017-1 dated 11/04/2017 passed by the 2nd respondent collector Cum Chairman, District Rural Development Agency Kanyakumari District at Nagercoil and quash the same and pass an order to regularize the services of the petitioner from the date of her initial appointment and grant all monetary benefits and other benefits.

For Petitioner in both : Mr.S.Titus
petitions

For respondents in : Mr.Veera Kathiravan,
both petitions Senior Counsel for Government,
Assisted by Mr.A.K.Manickam
Standing Counsel for Government

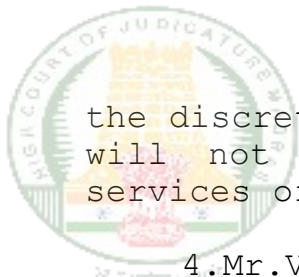
COMMON ORDER

[Common Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Titus, learned counsel appearing for the petitioners and Mr.Veera Kathiravan, learned Senior Counsel for Government, assisted by Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for the respondents.

2.These Contempt Petitions have been filed by the petitioners alleging disobedience of the common judgment in W.A.(MD) Nos.989 and 990 of 2019, dated 31.07.2020. The said Writ Appeals were dismissed with certain observation, namely, the respondents were called upon to act on the letter of the third appellant dated 02.05.2019, and consider the case for regularization. This was considered and order was passed, rejecting the claim of the petitioners.

3.It at all the petitioners are aggrieved by the order of rejection, they should challenge the order. Seeking for regularization of a part time employment is not a vested right. In



the discretion, they may take step for regularization, but the Court will not be justified in issuing direction to regularize the services of a person, who is working on part time basis.

4.Mr.Veera Kathiravan, learned Senior Counsel for State Government pointed out that though such a plea for regularization has been rejected, the District Collector, Kanyakumari District by proceedings dated 01.07.2021, has allowed the petitioners to work as Sweepers in Melasankarankuzhy Panchayat and Erachakulam Panchyat respectively in Special Time Scale of Pay and they are continuing. In such circumstances, there is no disobedience much less wilful disobedience to the directions issued in the Writ Appeal.

5.In view of the above, these Contempt Petitions are closed with liberty to the petitioners to challenge the order of the first respondent dated 05.04.2021, if so advised.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Additional Chief Secretary to Government,
Rural Development and Panchayat,
Raj Development Secretariat,
Chennai.
- 2.The District Collector,
Kanyakumari District,
Nagercoil.
3. The Additional Collector and Project Director,
DRDA, Kanyakumari District,
Nagercoil.

Cont.P. (MD) No.824 of 2021

19.07.2021