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Contempt Petition No.121 and 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Contempt Petition No.121 of 2022

P.Balu

... Petitioner

Vs

Mythili K.Rajendran, IAS
Secretary to Government
Human Resources Management Department
Erstwhile (P&AR(U) Department),
Fort St.George, Secretariat,
Chennai-600 009

... Respondent

Contempt Petition filed under Section 11 of Contempt of Courts Act to punish the respondent for wilfully disobeying the order passed in WP No.6582 of 2016 dated 18.08.2021.

For petitioner	...	Mr.C.Vigneswaran
For Respondent	...	Mr.S.Silambanan
		Additional Advocate General
		Assisted by
		Mr.M.Shajahan
		Special Government Pleader

ORDER

While the order in WP No.6582 of 2016 was passed, I had placed reliance

on a similar situated issue in the case of *S.Navaneethakrishnan vs The Principal*

<https://www.mhc.tn.gov.in/judis>



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Secretary to Government , Personnel And Administrative Reforms Department

and others in WP No.24589 of 2013 dated 10.02.2015, as well as the order passed by the Division Bench of this Court in WA Nos.860 and 861 of 2014 dated 25.07.2014 and had directed the respondent to include petitioner's candidature in the promotion panel of ASO with effect from 25.02.2009 and fix his seniority accordingly. Alleging disobedience, the present contempt petition is filed.

2. Today, when the matter was called, learned Additional Advocate General submits that as against the order passed in WP No.24589 of 2013 dated 10.02.2015, on which, I had placed reliance, the Government had preferred an appeal in WA No.900 of 2015 and the same is pending before the Hon'ble Division Bench of this Court. He further submitted that even against the order passed in WA Nos.860 and 861 of 2014, they have preferred SLP before the Hon'ble Supreme Court which was dismissed with liberty to file review petition and accordingly, they have preferred Review Petition Nos.221 and 222 of 2015 which are also pending before the Hon'ble Division Bench of this Court.

3. The petitioner has also filed a Review Application No.106 of 2022 to review the order dated 18.08.2021 in WP No.6582 of 2016.



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4. I am of the view that when the issue in hand is under consideration before the Hon'ble Division Bench of this Court in WA No.900 of 2015 as well as Review Petition Nos.221 and 222 of 2015, it would not be appropriate to partially adjudicate the issue rather the Review Application No.106 of 2022 may be required to be heard along with WA No.900 of 2015 and Review Petition Nos.221 and 222 of 2015.

5. Registry is directed to place Review Application No.106 of 2022 before the Hon'ble Acting Chief Justice for passing appropriate orders.

6. In view of the above, the contempt petition is closed, with liberty to work out his remedy subject to the outcome of the result of the writ appeal No.900 of 2015 and Review Petition Nos.221 and 222 of 2015 and Review Application No.106 of 2022.

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Index: Yes/ No
Speaking Order/Non-speaking Order
sr



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M.S.RAMESH,J.,

sr

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