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Cont.P.No.698 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Cont.P.No.698 of 2022

B.Sureshkumar

..

Petitioner

-Vs-

Dr.Elangovan Vellaichamy
The Registrar
University of Madras
Centenary Building
Chepauk, Chennai - 05.

..

Respondent

Prayer : Contempt Petition under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for the willful and flagrant violation of the order dated 22.04.2021 made in W.P.No.10202 of 2021 passed by this Hon'ble Court.

For Petitioner : Mr.S.Kasirajan

For Respondent : Ms.V.Sudha
Standing Counsel



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ORDER

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This contempt petition has been filed for the alleged disobedience of the order of this Court dated 22.04.2021 made in W.P.No.10202 of 2021. Under the said order, learned Judge of this Court directed the respondent University to consider the representation of the petitioner on merits and in accordance with law and pass orders within a time frame.

2. Since the said order, according to the petitioner has not been complied with, he moved the present contempt petition.

3. When this contempt petition came up for hearing on 23.09.2022, I passed the following orders:

“Though eight weeks time has been given by my predecessor to comply with the order dated 22.04.2021, it seems that so far no orders have been passed.

2. Learned Standing Counsel appearing for the respondent University submits that the Finance Committee has to take a decision on the plea raised by the petitioner and the Finance Committee cannot sit for a single isolated issue like the present one and they may sit after collection of more issues to take a



decision and therefore, the proposed date or period as to when the Finance Committee is next going to sit is so far not decided.

3. In view of the aforesaid submission, this Court feels that this kind of reasons cannot be accepted by this Court, that too, in a contempt petition. Though this Court is of the view that statutory notice can be issued to the respondent to appear before this Court to give explanation as to why action shall not be initiated against the respondent under the provisions of the Contempt of Courts Act, to give one more last chance to the respondent to comply with the order of this Court dated 22.04.2021, further four (4) weeks time is granted, within which, the issue can be decided by the competent authority/committee/forum of the respondent University by placing the matter through circulation and after taking decision, a report to that effect shall be filed on the next hearing date.

Post on 28.10.2022. It is made clear that on that day, if the order of this Court dated 22.04.2021 is not complied with and the report is not filed, the respondent shall remain present before this Court.”



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4. Pursuant to which, Ms.V.Sudha, learned Standing Counsel appearing for the respondent University has filed a status report before this Court. The status report dated 28.10.2022 *inter alia* has stated that, pursuant to the order passed by this Court i.e., the original order passed in the writ petition on 22.04.2021, the issue was placed before the University i.e, the Establishment Committee, who held a meeting on 12.03.2021 and has resolved to place the same before the Syndicate. At this meeting dated 18.06.2021, it was resolved to approve the resolution of the Establishment Committee. Thereafter, the Technical Committee has been formed, chaired by the retired I.A.S. Officer. The Technical Committee after having considered various aspects has submitted the University Information Technology Employees Service Rules, 2022. Then the same was placed before the Finance Committee held on 18.10.2022 to adopt the same and they resolved to recommend that the Service Rules, 2022 for the Information Technology Employees of the University framed by the Technical Committee, can be referred to the Government for approval. Thereafter, on the same day, it was placed before the Syndicate and the Syndicate also having accepted the recommendation of the Financial Committee, resolved to authorize the



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Vice-Chancellor of the University to take further follow up action.

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5. Therefore, now, the Rules, 2022 is to be approved by the Government, for which, the University would send the Rule to the Government and after getting approval from the Government, the candidature of the petitioner for getting re-designation or promotion to the post of Technical Officer would be considered in accordance with the aforesaid Rules and accordingly, his grievance would be redressed.

6. Therefore, considering these aspects, this Court feels that there has been no willful disobedience or violation of the orders passed by this Court on the part of the respondent University. Hence, no persuasive action is required in this contempt petition and accordingly, it is closed with the liberty to revive this contempt petition in future if any such need arises.

28.10.2022

Index : Yes/No
Internet : Yes/No

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R. SURESH KUMAR, J.

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