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Cont.P.No.1019 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MS.JUSTICE P.T.ASHA

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in W.P.No.3021 of 2019

1. M.Jothisivam
2. M.Abdullakhan
3. M.Nagarajan
4. S.Sadasivam
5. K.Maha Gandhi
6. R.Elangovan
7. P.Thilakar
8. P.Ranganathan
9. V.Sadasivam
10. G.Rajendran
11. R.Subramanian
12. S.Thirumalai
13. Thiruvenkata Vijayan
14. S.Thiyagarajan

... Petitioners/Petitioners

-VS-

1. Shri.Anshu Prakash
Chairman,
Telecom Commission & Secretary (T),
Department of Telecommunications,
Sanchar Bhavan, No.20, Ashoka Road,
New Delhi-110 001.
2. Shri.Pravin Kumar Purwar,
Chairman and Managing Director,
Bharat Sanchar Nigam Limited,
Corporate Office, Harichandramathur Lane,
Janpath, New Delhi-110 001.



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3. Dr.R.Niranjana,
Principal Controller of Communication Accounts,
Tamil Nadu Circle,
7th Floor, R.K.Nagar Telephone Exchange Building,
238, R.K.Mutt Road, Chennai-600 028.
4. Shri.V.Jagadeesan,
Chief General Manager, BSNL,
7th Floor, BSNL ADMN Building,
16, Greams Road, Chennai-600 006.
5. Shri.C.P.Subha,
General Manager, BSNL,
O/o.General Manager, BSNL,
No.1, Seerangapalayam (West),
Salem-636 007.
6. Shri.S.Ramachandran,
Senior Accounts Officer (Drawals),
O/o.General Manager, BSNL,
No.1, Seerangapalayam (West),
Salem-636 007.

... Respondents/Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act to have a serious view about the attitude of the respondents for wilfully disobeying the order of this Hon'ble High Court passed in W.P.No.3021 of 2019 dated 07.08.2019 and punish them for committing contempt against the orders of this Hon'ble Court.

For Petitioner : Mr.R.Pandian

For Respondents : Mr.S.Udayakumar
Standing Counsel for BSNL



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J U D G M E N T

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This Contempt Petition has been filed to punish the Respondents for wilful disobedience of the orders of this Court dated 07.08.2019 passed in W.P.No.3021 of 2019.

2. In W.P.No.3021 of 2019, on 07.08.2019, this Court had passed the following order:

“9. The Supreme Court dismissed the Special Leave Petition challenging the order dated 26 august 2010 in O.A.No.1282 of 2010. The BSNL therefore issued a circular dated 18 September 2018 resolving to extend the benefits of pay fixation under FR-22-I(a)(i) to all the officials who are at par with the officials for whom benefits of pay fixation under the very same Fundamental Rule had been granted in O.A.No.1282 of 2010. In view of the circular dated 18 September 2018, issued by the BSNL pursuant to the order dismissing the SLP, the case of the petitioners should also be considered as they are similarly situated.

10. We permit the petitioners to submit a comprehensive representation to the respondents. The respondents are directed to consider the representation for re-fixation of the pay scale on the basis of the circular dated 18 September 2018, fixing the pay scale under FR 22-I(a)(i). Such exercise shall be completed within



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a period of three months from the date of receipt of representation.

11. The adverse orders passed by the authorities and the Tribunal are set aside. The Writ Petition is partly allowed, as indicated above. No costs. Consequently, W.M.P.No.3293 of 2019 is closed.”

3. By referring to the aforesaid paragraphs, learned counsel for the petitioners has submitted that since a positive direction had been issued, especially in Paragraph No.9 of the order, the respondents ought not to have rejected the comprehensive representation made by the petitioners and the act of the respondents would amount to wilful disobedience.

4. We are not inclined to accept the submission of the learned counsel for the petitioners for the simple reason that Paragraph No.9 alone cannot be read in isolation and on a harmonious reading of Paragraph No.9 along with other operative portions of the order, it is very clear that this Court directed the respondents to pass appropriate orders on the comprehensive representation of the petitioners. It is not in dispute that the respondents have also passed an order dated 04.12.2020 on the representation in obedience to the orders of this Court. Hence, we are of the view that contempt has not been made out in this case.



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5. Accordingly, this Contempt Petition is closed. If the petitioners are aggrieved by the order dated 04.12.2020, it is open to them to challenge the same in the manner known to law. No costs.

[S.V.N,J.,] [P.T.A,J.,]
01.11.2022

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S.VAIDYANATHAN,J.
and
P.T.ASHA,J.
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