



Cont.P. Nos. 2022 and 2023 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

Contempt Petition Nos.2022 and 2023 of 2022

Contempt Petition No.2022 of 2022

K.Balraj

..Petitioner

Vs

1. Thiru.Kirlosh Kumar, IAS,
Principal Secretary to Government,
Labour and Employment (E2) Department,
Secretariat, Chennai 9.
2. Thiru.Adul Anand, IAS,
Commissioner of Labour,
Teynampet, Chennai 6.
3. Tmt.Leelavathy,
Deputy Commissioner of Labour (Conciliation-I),
at Present Joint Commissioner of Labour,
Dr.Balasundaram Road,
RTO Compound,
Coimbatore 18.

..Respondents

PRAYER : Petition filed under section 11 of the Contempt of Courts Act, to punish the respondents for their willful disobeying the order of this Court dated 29.07.2021 in WP.No.15655 of 2021.



Cont.P. Nos. 2022 and 2023 of 2022

Contempt Petition No.2023 of 2022

WEB COPY

S.Sebastian

..Petitioner

Vs

1. Thiru.Kirlosh Kumar, IAS,
Principal Secretary to Government,
Labour and Employment (E2) Department,
Secretariat, Chennai 9.
2. Thiru.Adul Anand, IAS,
Commissioner of Labour,
Teynampet, Chennai 6.
3. Mr.Sathish Kumar,
Assistant Commissioner of Labour (Enforement),
Coonoor,
Nilgiris District, 643 101.

..Respondents

PRAYER : Petition filed under section 11 of the Contempt of Courts Act, to punish the respondents for their willful disobeying the order of this Court dated 29.07.2021 in WP.No.15659 of 2021.

For Petitioner : Mr.K.Arumugam
(in both the petitions)

For Respondents : Mr.G.Nanmaran,
(in both the petitions) Special Government Pleader



Cont.P. Nos. 2022 and 2023 of 2022

COMMON ORDER

WEB COPY

These Contempt Petitions are filed alleging willful disobedience of the order of this Court, dated 29.07.2021 in WP.Nos.15655 and 15659 of 2021.

2. The petitioners herein earlier filed the above Writ Petitions seeking for issuance of a direction to the respondents to consider their claim with regard to regularization of their services on par with their juniors for the purpose of pension based on the order of this Court in ***WA.No.1292 of 2017, dated 05.12.2017 (Govinthasamy vs. Secretary, Agriculture Department and others)*** and pass orders on the same granting pension to the petitioners at the time of retirement.

3. The said Writ Petitions were disposed of by a common order dated 29.07.2021 in the following lines:

"6. Though the petitioners have prayed for a larger relief, this court, in the light of the facts and circumstances of the case and without going into the merits of the claim made by the petitioners either in their representations or in the writ



WEB COPY



Cont.P. Nos. 2022 and 2023 of 2022

petitions, directs the respondents to consider and dispose of the petitioners' representations dated 18.12.2021 and 17.12.2021 respectively, in the light of the judgment passed in W.A.No.1292 of 2017, dated 05.12.2017 and on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein."

4. The petitioners have filed these Contempt Petitions stating that while considering the representations of the petitioners as per the order of this Court dated 29.07.2021, the respondents have not taken into account the order passed by this Court in W.A.No.1292 of 2017, dated 05.12.2017.

5. However, in the order dated 15.12.2021, which is under contempt, it has been observed that the judgment in W.A.No.1292/2017, dated 05.12.2017 cannot be applied in the case of the petitioners. It is further observed that the regularization of two other individuals were made against regular vacancies only, as per the direction of the Supreme Court in the case of ***Secretary, State of Karnataka and others vs. Umadevi and others*** reported in ***(2006) 4 SCC 1***.



Cont.P. Nos. 2022 and 2023 of 2022

6. Since the respondents have passed the order dated 15.12.2021 rejecting the representations of the petitioners only after considering the judgment passed in WA.No.1292 of 2017 dated 05.12.2017, this Court is unable to find any willful disobedience of the order of this Court. In such circumstances, the order passed by the respondent either in favour or against the petitioners cannot be interfered if it is in accordance with law. Hence, this Court finds no merit in these contempt petitions. Accordingly, these Contempt Petitions are dismissed. However, it is open to the petitioners to challenge the order dated 15.12.2021 passed by the Secretary to Government by filing a petition under Article 226 of the Constitution of India.

12.10.2022

pvs



WEB COPY



Cont.P. Nos. 2022 and 2023 of 2022

S.S.SUNDAR.J.,

pvs

Cont.P. Nos. 2022 and 2023 of 2022

12.10.2022