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Cont. Petn. No.24 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**
and
THE NONOURABLE MR.JUSTICE **C.SARAVANAN**

Contempt Petition No.24 of 2022

C.Nandhakumar

.. Petitioner

Vs.

1.Mr.Radhakrishnan

The Government of Tamil Nadu
Rep. by Secretary to Government
Health & Family Welfare Department
Secretariat, Chennai 600 009

2.Mr.R.Senthil

The Deputy Director of Health Services
Tirupattur
Vellore District - 635 601

3.Mr.Selva Vinayagam

The Director of Public Health & Preventive Medicines
Chennai - 600 006

.. Respondents

* * *

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for willfully disobeying the order dated 15.09.2021 made in W.A. No.2336 of 2021.

* * *

For Petitioner : Mr.S.N.Kirubanandam
No Appearance

For Respondents : Mr.U.M.Ravichandran, SPL. GP



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S.VAIDYANATHAN, J.

and

C.SARAVANAN, J.

O R D E R

This contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents, for their willful disobedience of the judgment of this court dated 15.09.2021 made in W.A. No.2336 of 2021.

2. There is no representation for the petitioner. However, the learned Special Government Pleader, appearing for the respondents would submit that the judgment of the Division Bench of this court dated 15.09.2021 made in W.A. No.2336 of 2021, has been set aside by the Hon'ble Apex Court vide its order dated 30.09.2022 in Civil Appeal No. of 2022 in SLP (C) No.21285 of 2021. The relevant portion of the order reads as follows:

"2. We have gone through the impugned judgment and order passed by the learned Single Judge as well as the Division Bench of the High Court. It emerges from the record that the appointment of respondent was purely on contractual basis and without following any recruitment process for appointment on the post of Driver. He was appointed by the Medical Officer and not by the Department. His appointment was back door entry. The reasoning given by the learned Single Judge that as the respondent



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continued in service for three years, his services cannot be said to be back door entry cannot be accepted. Once, it is found that the appointment of the respondent was without following any due procedure and/or recruitment process, the same can be said to be back door entry.

3. It is the case on behalf of the respondent that in case of other employees, services have been regularised. There cannot be any negative discrimination. Once it is found that the respondent was appointed by way of back door entry and that too contractual basis and he worked only for four years on contractual basis, the judgment and order passed by the learned Single Judge, confirmed by the Division Bench ordering regularisation is unsustainable.

4. In view of the above and for the reasons stated hereinabove, the present appeal succeeds. The impugned judgment and order passed by the Division Bench of the High Court as well as the learned single Judge ordering regularisation of the services of the respondent are hereby quashed and set aside. The writ petition filed by the original writ petitioner for regularization is hereby dismissed."

3. In view of the above, this contempt petition is closed.

However, there is no order as to costs.

[S.V.N., J.] [C.S.N., J.]
19.10.2022

Asr
To

1.Mr.Radhakrishnan
The Government of Tamil Nadu
Rep. by Secretary to Government
Health & Family Welfare Department



Secretariat, Chennai 600 009



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S.VAIDYANATHAN, J.
and
C.SARAVANAN, J.

asr

- 2.Mr.R.Senthil
The Deputy Director of Health Services
Tirupattur
Vellore District - 635 601
- 3.Mr.Selva Vinayagam
The Director of Public Health & Preventive Medicines
Chennai - 600 006
- 4.The Government Pleader,
High Court, Madras

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