



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY
AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Cont.P.(MD)No. 527 of 2022

in

W.A.(MD) No. 571 of 2022

Sriram Ganapathy

.. Petitioner/Respondent

Vs

1.Mr.Sylendra Babu,

The Director General of Police and Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
P.T. Lee Chengalvanaicker Building,
No.807, II Floor, Annasalai,
Chennai - 600 002.

2.Mr.M.Manohar,

The Superintendent of Police,
Collectorate Complex,
Virudhunagar,
Virudhunagar District.

.. Contemnors/Appellants

Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971 praying to punish the Respondents for committing the Contempt of Court by violating the order passed dated 15.10.2020 in Writ Appeal made in W.A.(MD) No.571 of 2018 and C.M.P.(MD) No.3226 of 2018.

Prayer in W.A(MD)No.571 of 2018:

Writ appeal is filed under Clause 15 of Letters patent against the interim order dated 16.04.2013 made in W.P(MD)No.5338 of 2013 passed by this Court.

Prayer in WP(MD)No.5338 of 2013:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd Respondent to appoint the petitioner whose Registration No.2509629 as Second grade Police Constable in Tamil Nadu Special Police (TSP) men in Virudhunagar District with effect from the appointment of the petitioners batchmates of 2012 Combined Recruitment and pass such other or further orders.



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For Petitioner : Mr.S.Mahalingam
For Respondent : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.S.Shaji Bino
Special Government Pleader

ORDER
(Made by PARESH UPADHYAY, J.)

This petition is filed for alleged breach of order dated 15 October 2020 recorded on W.A(MD) No.571 of 2018.

2. Learned advocate for the petitioner has submitted that the appointment was denied by the State on the ground of non disclosure of material fact which was the subject matter of the writ petition, from which the appeal was filed by the State and the Division Bench of this Court vide order dated 15 October 2020 had passed the following order:

"7. Having considered the submissions raised, we are of the opinion that the authorities concerned have to apply their mind to the parameters as laid down in the case of Avatar Singh (supra) and then, pass appropriate orders, for which an appropriate assessment shall be made by the authorities in respect of the nature of the involvement of the respondent / writ petitioner in the criminal case and its impact.

8. We therefore, dispose of this Writ Appeal with liberty to the appellants to pass an appropriate order in the light of what has been stated above, within a period of two months from today. No costs. Consequently, connected Miscellaneous Petition is closed."

3. It is the grievance of the petitioner that even after the said order, the State Authorities have passed that very order which was earlier challenged in the writ petition. It is submitted that, not keeping in view the observations of this Court in para: 7 and 8 as quoted above is wilful disobedience of the directions of this Court and therefore proceedings need to be initiated against the respondents. Reliance is placed on para: 38.4.3 of the order of the Supreme Court which was quoted in para : 3 of the order dated 15 October 2020, which reads as follows:

"38.4.3. If acquittal had already been recorded in a case involving moral turpitude or offence of heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the employer may consider all relevant facts available as to



antecedents, and may take appropriate decision as to the continuance of the employee."

4. We find that, whether the fresh order passed by the State Authorities follows the correct proposition of law or not can be a matter of dispute / adjudication, but that can not be adjudicated by this Court in the contempt jurisdiction. This petition therefore needs to be dismissed.

5. We make it clear that, if the challenge is made to the fresh order passed by the State, dismissal of this contempt petition would not be considered as the confirmation of that order, if the Writ Court is otherwise inclined to exercise its discretion.

6. This Contempt petition is dismissed with above clarification. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.Mr.Sylendra Babu,
The Director General of Police and Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
P.T. Lee Chengalvanaicker Building,
No.807, II Floor, Annasalai, Chennai - 600 002.

2.Mr.M.Manohar,
The Superintendent of Police,
Collectorate Complex,
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-14480[F] dated 25/03/2022)

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KG (CO)

GC (05.04.2022) 3P 4C