



WEB COPY

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. 529 of 2022

in

W.A.(MD) No. 937 of 2018

E.V.Sivakumar

.. Petitioner/Respondent

Vs

1.Mr.Dheeraj Kumar, I.A.S.,

The Secretary to Government,
Department of Highways and Minor Ports,
Secretariat, Fort St. George,
Chennai - 600 009.

2.Mr.B.R.Kumar,

The Director General (Highways),
Department of Highways,
Integrated Chief Engineers' Office,
HRS Campus, 76, Sardar Patel Road,
Guindy,
Chennai - 600 025.

3.Mr.R.Chandrasekar,

The Chief Engineer (Production & Maintenance),
Department of Highways,
Integrated Chief Engineers' Office,
HRS Campus, 76, Sardar Patel Road,
Guindy,
Chennai - 600 025.

.. Contemnors/Appellants

Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971 r/w Article 215 of the Constitution of India, praying to punish the Contemnor / Respondents for their deliberate and wilful disobedience of the order of this Hon'ble Court made in W.A.(MD) No.937 of 2018 dated 06.12.2018.

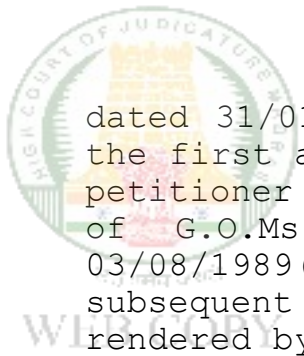
Prayer in WA(MD). 937 OF 2018 :

Writ Appeal is filed under Clause 15 of Letters Patent against the Order of this Court dated 15.02.2017, made in W.P(MD) No.3642 of 2011.

Prayer in WP(MD). 3642 OF 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in

<https://hcservices.ecourts.gov.in/hcservices/>



dated 31/01/2011 quash the same as illegal and unlawful and direct the first and second respondents herein to revise the service of the petitioner as Junior Assistant with effect from date of publication of G.O.Ms.No. 1499 (Labour and Employment Department) dated 03/08/1989(viz 03/08/1989) and further direct them to provide subsequent promotions by taking in to account of the service rendered by the petitioner in the cadre of records clerk with effect from 18/06/1986 along with back wages and other monetary benefits.

For Petitioner : Mr.Balakrishnan
for M/s.R.Shankar Ganesh
For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

(Made by PARESH UPADHYAY, J.)

This petition is filed for alleged breach of the order of this Court dated 05 December 2018 recorded on W.A(MD) No.937 of 2018.

2. Mr.M.Balakrishnan, learned advocate, representing Mr.R.Shankar Ganesh, learned advocate on record has submitted that the advocate on record is not well and therefore time be granted. This request we have not entertained in view of the facts which are noted hereinafter:

2.1 This contempt is filed by the respondent of W.A.(MD) No.937 of 2018. The said appeal was filed by the State Authorities. We have considered the reasons recorded in the said order and we find that all the reasons are in favour of the appellant / State Authorities.

2.2 The Division Bench was just short of writing finding to the effect that the writ petitioner was not entitled to any relief, however since the State had already granted certain relief, the Division Bench thought it proper not to interfere in it.

2.3 We note that the original writ petitioner - present petitioner had got appointment in the Government on compassionate ground on the demise of the family member. The said appointment ought to have been on the lowest non-gazetted post, which in this case was Record Clerk. The petitioner claimed higher post of Junior Assistant, which was within the purview of Tamil Nadu Public Service Commission and as such, concurrence of State Public Service Commission. The grievance was made after few decades. Some relief was granted by the writ court, which the State had challenged in writ appeal. The said appeal came to be allowed.

2.4 It is in this background we find that, some inaction perceived by the petitioner need not be taken cognizance of under the provisions of the Contempt of Courts Act, 1971. Passing any



further order would be prejudicial to the original writ petitioner who was appointed before decades. Therefore we have refrained from doing it.

3. Suffice to note that, this petition is not required to be entertained on more than one ground. Firstly, the order, the non-compliance of which he is complained is of the year 2018. Further this petition need not be entertained even on merits.

4. For the above reasons, this Contempt Petition is dismissed. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Secretary to Government,
Department of Highways and Minor Ports,
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Chennai - 600 009.
- 2.The Director General (Highways),
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Integrated Chief Engineers' Office,
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