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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CONT.P(MD)No.884 of 2021

in

W.A.(MD)No.341 of 2013

V.Senthilkumar

... Contempt Petitioner / 1st

Respondent /Writ Petitioner

-Vs-

Mrs.B.Janaki,
The Municipal Commissioner,
Thanjavur Municipality,
Thanjavur.

... Contemnor / Appellant / 1st Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnor / 1st respondent for deliberate and will ful disobedience of the order passed in W.A(MD). No.341 of 2013 dated 14.02.2017.

Prayer in WA(MD). 341/ 2013 :

Writ appeal filed under Clause 15 of the Letters Patent, against the order dated 09/01/2013 passed in WP(md)9956 of 2009.

Prayer in WP(MD). 9956/ 2009 :

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 connected with the proceedings issued in A.Na.Ka.No.13986/02/H1 dated 30-09-2009 passed by the 3rd Respondent and quash the same and consequently direct the respondents to regularize the petitioners services for the post of Driver with all attendant benefits.

For Petitioner : Mr.V.M.Jegadeesha Pandian

For Respondent : Mr.N.Dilip Kumar

ORDER

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

Mr.N.Dilip Kumar, learned counsel appearing for the respondent / Municipality has produced the proceedings of the Commissioner of the Municipality dated 22.03.2022 in and by which the Municipality has passed an order, regularizing the services of the petitioner with effect from 01.12.2008 on the relevant pay



2.The learned counsel appearing for the petitioner would contend that the petitioner is entitled to regularization from the date of his initial appointment.

3.We do not find such direction in the order passed in the Writ proceedings. In the Writ proceedings, the direction was issued to the Municipality to regularize the services of the petitioner under G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006.

4.A reading of the said G.O., makes it clear that the benefit of regularization would be from the date on which the temporary employee completes 10 years of service. According to the respondent / Municipality, the temporary employee / the petitioner had completed 10 years of service on 01.12.2008, taking into account the intermittent break in service. Therefore, we find that there is substantial compliance with the order passed in the Writ proceedings.

5.The learned counsel appearing for the respondent / Municipality would submit that the Municipality is facing severe financial constraints and therefore, it should be permitted to pay the arrears in seven (7) equal monthly installments.

6.Considering the quantum of arrears, we find that the request of the learned counsel for the respondent is just and reasonable. Hence, the respondent / Municipality is permitted to pay the arrears of salary and other benefits, which works out Rs.14,61,312/- (Rupees Fourteen Lakhs Sixty One Thousand Three Hundred and Twelve Only) in seven equal monthly installments, commencing from May 2022.

7.In view of the above, this Contempt Petition stands closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr

To
The Municipal Commissioner,
Thanjavur Municipality,
Thanjavur.

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



+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-14695[F] dated 25/03/2022)

+1 CC to M/s.V.M.JAGADEESHA PANDIAN, Advocate (SR-14675[F] dated 25/03/2022)

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in

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KS (CO)

KB (05.04.2022) 3P 4C