



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

Friday, the Eighteenth day of November Two Thousand and Twenty Two

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PRESENT

**The Hon`ble Mr.Justice R.MAHADEVAN
AND
The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD**

**SUB A(MD) . No.172 and 173 of 2021
in
CONT P(MD)Nos.824 and 837 of 2021**

S.Kalavathi ... Petitioner/Petitioner/Respondent
SUB A(MD) . No.172 /2021 in Cont p(md)824 of 2021

V.Kanagamani ... Petitioner/Petitioner/Respondent
SUB A(MD) . No.173 /2021 in Cont p(md)837 of 2021

Vs

1 Hans Raj Varm I.A.S.,
Govt.Additional Chief Secretary
The Principal Secretary to Government
Rural Development and
Panchayat Raj Development Secretariat
Chennai.

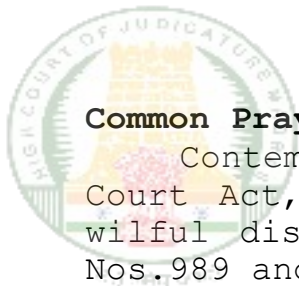
2 Sh.M.Aravind I.A.S.,
District Collector
Kanyakumari District
Nagercoil.

3 S.Mercy Ramya I.A.S.,
Additional Collector and Project Director
DRDA Kanyakumari District
Nagercoil.

**... Respondent/Contemnors/Appellants
(same in both cases)**

Prayer :-SUB A(MD) . Nos.172 and 173 of 2021

Sub .Application filed under section 151 of cpc Pleaded to
reopen the order in Cont.P(MD)No.824 and 837 of 2021 dated
19.07.2021.

**Common Prayer : CONT P(MD)Nos.824 and 837 of 2021**

Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the Contemnors/respondents 1 to 3 for their wilful disobedience of the order of this Hon'ble Court in WA(MD) Nos.989 and 990 of 2019 dated 31.07.2020.

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Prayer in WA(MD Nos. 989 and 990/ 2019 :

The Writ Appeal is filed under clause 15 of Letters patent against the order dated 14.02.2019 made in WP(MD)No.15808 and 15809 of 2018 and allow the Writ Appeal and thus render justice.

Prayer in WP(MD). 15808/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records in connection with the impugned order in Proc.No.A1/1048/2017-2 dated 11.04.2017 passed by the 2nd respondent Collector Cum Chairman, District Rural Development Agency, Nagercoil and quash the same and pass an order to regularize the services of the petitioner from the date of her initial appointment and grant all monetary benefits and other benefits

Prayer in WP(MD). 15809/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus call for the records in connection with the impugned order in Proc.No.A1 / 1048 / 2017-1 dated 11/04/2017 passed by the 2nd respondent collector Cum Chairman, District Rural Development Agency Kanyakumari District at Nagercoil and quash the same and pass an order to regularize the services of the petitioner from the date of her initial appointment and grant all monetary benefits and other benefits.

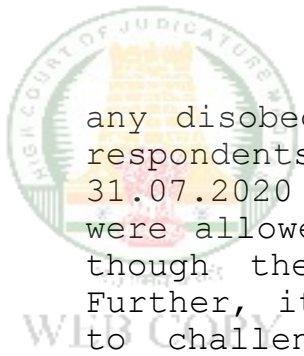
ORDER:- These Petitions coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.TITUS, Advocate for the Petitioner and of Mr.Veera Kathiravan Additional Advocate General - III Asst by Mr.S.P.Maharajan Special , Government Pleader on behalf of the 1st to 3rd Respondents in both, this Court made the following order:

C O M M O N O R D E R

[Order of the Court was made by R.MAHADEVAN, J.]

These sub applications are filed to reopen the contempt petitions in Cont.P.(MD) Nos.824 & 837 of 2021, which were closed by this Court by a common order dated 19.07.2021.

2. A cursory perusal of the order dated 19.07.2021 passed in the above contempt petitions, shows that this Court did not find



any disobedience much less wilful disobedience on the part of the respondents to the directions issued in the common Judgment dated 31.07.2020 in W.A.(MD) Nos.989 & 990 of 2019, since the petitioners were allowed to work as Sweepers in the respective Panchayats even though their plea for regularization of service was rejected. Further, it is seen that the petitioners have been granted liberty to challenge the order dated 05.04.2021, passed by the first respondent, rejecting the petitioners' plea for regularization of service, if so advised. When a categorical finding has been given by this Court in the order dated 19.07.2021 that there is no wilful disobedience on the part of the respondents, the question of reopening and hearing the contempt petitions once again does not arise at all.

3. In such view of the matter, the sub applications are closed. Needless to state that it is left open to the petitioners to challenge the order dated 05.04.2021, passed by the first respondent, if so advised, as directed by this Court earlier.

Sd/-

Assistant Registrar (CS-II)

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/12/2022

Sub Assistant Registrar(CS)

Krk

TO

1. The Additional Chief Secretary
to Government Rural Development
and Panchayat Raj Development
Secretariat Chennai.
2. The District Collector
Kanyakumari District
Nagercoil.
3. The Additional Collector and Project Director
DRDA Kanyakumari District
Nagercoil.

Copy to:

The Section Officer,
Contempt Section,
Madurai Bench of Madras High Court, Madurai

+ 1 cc to the Government Pleader sr Nos.56622 & 5623/2022

<https://www.mhc.tn.gov.in/judis>



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SUB A(MD). No.172



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ORDER DATED : 18/11/2022

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ORDER

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SUB A(MD) . No.172 173 of 2021
in
Cont P(MD)No.824 & 837 of 2021

Giving direction and etc.
as stated within.

RD/SBN(07/12/2022) 4P 6C