



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 13-03-2023

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Cont.P.No.751 of 2022

1.S.Vadivel
2.P.Nagarajan
3.R.Thirupathi
4.K.Balakrishnan

...

Petitioners

-VS-

Mr.Gnanasekaran, I.A.S.,
The Commissioner of Animal Husbandry &
Veterinary Services,
Chennai – 600 006.

...

Respondent

Petition under Section 11 of the Contempt of Courts Act,1971, to punish the respondent for wilful disobedience of the order of this Court passed in W.A.No.2518 of 2021, dated 29.09.2021.

For Petitioners : Mr.R.Diwakaran

For Respondent : Mr.S.Silambanan,
Addl. Advocate General,
assisted by Mr.S.John J.Raja Singh,
Addl. Government Pleader.

**ORDER**

WEB COPY

Mr.S.Silambanan, learned Additional Advocate General, has produced a copy of G.O.Ms.No.35, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (AH5-2) Department, dated 10.03.2023, in compliance with the order of this Court, dated 29.09.2021, passed in W.A.No.2518 of 2021, and the subsequent order passed in this Contempt Petition, dated 19.10.2022, along with an affidavit of the Director, Animal Husbandry & Veterinary Services, Chennai. The relevant paragraph of the said G.O. reads as under :

"13. Though circumstances are as stated above, only in order to comply the directions of the Hon'ble High Court of Madras dated 28.11.2022 in the C.P.No.751/2022 and to avoid the contempt proceedings of the court, it is hereby ordered to regularise the service of the petitioners with effect from the date of their appointment in the post of Animal Husbandry Assistant in the regular time scale of pay with retrospective monetary benefits along with arrears of pay, as a special case, on the lines of G.O.(Ms) No.144, Animal Husbandry, Dairying and Fisheries Department, dated 26.09.2016, subject to the following conditions, namely :

i. The G.O.(Ms) No.1527, Agriculture Department, dated 28.8.1985 i applicable only to the workers paid from contingencies and appointed without any rule relaxations;

ii. This Order is subject to the outcome of the two pending Review Applications before Hon'ble High Court of Madras in



S.R.Nos.8724/2016 & 8727/2016 already filed against W.A.No.226/2012 order dated 05.11.2013 & 491/2012 and the four Review Applications filed before the Hon'ble High Court of Madras against order in W.A.Nos.2513/2021, 2515/2021, 2518/2021 & 2519/2021, dated 29.09.2021.

iii. The Review Petition/Clarification petition filed in view of Government letter dated 17.09.2022 to be brought before the Hon'ble Court in the instant Contempt Case.

iv. It is reiterated for all future cases if any, cases involving relaxation of rules, regularization to be done on the date of issue of orders and not on the date of appointment or any date as it is a firm policy of the Government that two benefits cannot be granted in a single case.

v. This Government Order shall not be quoted as a precedent in future."

2. In view of the above, this Contempt Petition is closed, with liberty to the parties to work out their remedy, depending upon the outcome of the Review Application. We make it clear that the monetary benefits that are extended are without prejudice to the rights of the parties in the Review Application. No costs.

Index : Yes/No
Internet : Yes/No
Speaking / Non-speaking Order
dixit

(S.V.N.,J.) (A.A.N.,J.)
13-03-2023



To

Mr.Gnanasekaran, I.A.S.,
The Commissioner of Animal Husbandry &
Veterinary Services,
Chennai – 600 006.



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