



Con.Ptn. No.1191 of 2015 and etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

Cont. Petn. Nos.1191 of 2015 and

595, 596 /2021, 2459, 2783, 1056, 1069, 1057/2015 and

1192 to 1199/2015, 1322, 1313, 1793/2015

2206 to 2237/2016 and 2239 to 2272/2016

2690/2016,

106, 107, 108/2016 and 119 to 138/2016

91 to 105/2016, 109 to 118/2016

184 to 199/2017 and 1247 to 1267 of 2017 and

267, 276 of 2022, 907, 908/2016,

1020/2016, 356/2019, 961 of 2016 , 2321 of 2016

and

Sub application Nos.383 and 430 of 2019

In Contempt Petition No.1191 of 2015

S.R.Sellappan

... Petitioner

Vs.



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1. Dr.J.Radhakrishnan, I.A.S.,
The Secretary to Government,
Fort St. George, Chennai 600 009.

2. Dr.K.Kolandasamy,
Director of Public Health and Preventive Medicine,
DMS Complex, Chennai

... Respondents

Prayer in Contempt Petition No.1191/2015: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for willful disobedience of the order passed by this Court in W.P.No.1207/2008, dated 10.06.2011.

In Contempt Petition No.1191/2015

For petitioner : Mr. R.Prem Narayan

For Respondents : Mr.P.S.Raman, Senior Advocate
on behalf of State Government
Assisted by Mr.J.Ravindran,
Addl. Advocate General for first respondent

Mr.J. Ravindran, Addl.Adv.General
Assisted by Mr.A.Selvendran,
Spl. Govt. Pleader for second respondent



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COMMON ORDER

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

The issues involved in all the contempt petitions are one and the same and hence, they were taken together for joint hearing and are disposed by way of this common order.

2. The contempt petitioners herein, along with others had filed various writ petitions, seeking promotion to the post of Health Inspector and consequently, regularize their service with all monetary benefits, by extending the benefits of G.O.(D) 359, Health and Family Welfare Department, dated 26.04.2004. The writ petitions were taken together in seven batches and disposed of on different dates, granting benefits to the contempt petitioners. The details of the disposed writ petitions, in seven batches are given as below.

- i) W.P.Nos.11134 to 11136 of 2008, 21962, 2900 and 29001 of 2010, dated 05.07.2012.
- ii) W.P.Nos.29794 to 29799 of 2007 and etc. batch, dated 13.07.2007
- iii) W.P.Nos.28635, 28036 to 28055 of 2007 and etc, batch,



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dated 08.10.2007

- iv) W.P.Nos.33075 to 33136 of 2007, dated 12.10.2007
- v) W.P.Nos.8375 to 8383 of 2009 and etc. batch, dated 10.06.2011
- vi) W.P.Nos.23656 to 23677 of 2010 and 10123 to 10175 of 2012,
dated 29.06.2012
- vii) W.P.Nos.32597 to 32604 of 2012, dated 10.12.2012

Subsequently, the petitioners have filed present contempt petitions, seeking direction to the authorities concerned to comply the orders passed by this Court in the writ petitions.

3. Today, the respondents/Department has filed a compliant affidavit along with the typed set of papers before this Court, stating that in the instant contempt petitions, among the other contempt petitioners, 132 eligible contempt petitioners were identified. After scrutinizing the matter, out of 132 contempt petitioners, 121 contempt petitioners were sanctioned retrospective regularization in the post of Health Inspector, and the remaining were not regularized for some reasons. The details are given below.

- a) Proc. No.14683/MP1/S3/2016, dated 27.09.2023 - 8 petitioners
- b) Proc. No.14683/MP1/S3/2016, dated 30.10.2023- 87 petitioners
- c) Proc.No.14683/MP1/S3/2016, dated 03.11.2023 - 20 petitioners



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d) Proc.No.14683/MP1/S3/2016, dated 06.11.2023 - 6 petitioners

Total - 121 petitioners

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The abstract for the 132 petitioners is given as follows.

<i>Sl.No.</i>	<i>Details</i>	<i>No.of petnrs.</i>
1	Retrospective Promotion orders issued	121
2	Not eligible (Lab Assistant)	5
3	Not traceable in the given address	1
4	Not traceable in the seniority list of Multi purpose Health Assistant	1
5	Service Registers not found	2
6	Not maintainable under Section 20 of contempt of courts Act	2
	Total	132

Further, the details of the *monetary benefits issued/ to be issued* to the 121 contempt petitioners are tabulated in the Annexure I to IV, which is extracted hereunder.

<i>Sl.No.</i>	<i>Details</i>	<i>Page No.</i>
1	<u>Annexure-I</u> Name List for 79 petitioners, to whom Monetary benefits were already issued .	1 to 4
2	<u>Annexure-II</u> <i>Name list for 17 petitioners, to whom, Pay arrears does not arise, because, their pay have been already fixed and drawn higher pay, as per G.O.Ms.No.278, Health and Family Welfare Department, dated 13.06.2019.</i>	5
3	<u>Annexure - III</u> Name list for 23 petitioners, whose Bills were already presented at Treasury.	6
4	<u>Annexure-IV</u> Details of two petitioners, who died and their	7



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<i>Sl.No.</i>	<i>Details</i>	<i>Page No.</i>
	Legal Heirs Certificates are not yet received	
	Total 121 petitioners.	

For the above said Annexure-I to IV, name wise details are also given in the typed set of papers, in page No.1 to 7.

4. The learned Senior counsel appearing for the respondents also submitted that, in so far as the pensionary benefits are concerned, they have forwarded the proceedings to the Accountant General Office, to revise the pensionary benefits of the petitioners. He also brought to the notice of this Court that, in compliance to the earlier order passed by this Court, dated 27.09.2023 in the contempt petitions, costs has been paid to the petitioners.

5. Recording the above submission and the compliance affidavit filed along with the typed set of papers, all the contempt petitions are closed. It is open to the petitioners, to challenge the proceedings issued by the respondents, if they are aggrieved.

(D.K.K.J.)

(P.D.B.J.)



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Internet: Yes/No
Index : Yes/No
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and

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