



Cont.Petn.No.1684 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

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P.Selvaraj

... Petitioner

Vs.

A.Sornam

... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Court to punish the respondent for having committed grave and willful contempt and gross disobedience of the orders passed by this Court in W.P.No.32955/2012, dated 04.12.2013.

For petitioner : Mr.S.Selvathirumurugan

For Respondent : Mr. ARL Sundaresan,

Assistant Solicitor General,

Assisted by Mr.B.Rabu Manohar



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ORDER

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

This contempt petition has been filed to punish the respondent for disobeying the orders passed by this Court in W.P.No.32955/2012, dated 04.12.2013.

2. Earlier, the petitioner had filed O.A.No.396/2010 before the Central Administrative Tribunal, Chennai, and the Tribunal, vide order dated 09.04.2012, has ***directed the respondent concerned to give preference to the petitioner for appointment of ED/part-time vacancies and there should not be any room for complaints from them.*** As against the above order of Tribunal, the Union of India, Postal Department had filed the writ petition in W.P.No.32955/2012 before this Court and the same was ***dismissed with a direction to the authorities concerned to comply with the direction issued by the Tribunal within a period of four weeks from the date of receipt of the order,*** vide order dated 04.12.2013. In such circumstances, the present contempt petition has been filed by the petitioner.

3. In the contempt petition, the respondent has filed counter affidavit



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stating that, in compliance to the order passed by the writ court, the petitioner was engaged as GDS MD, Theruvukadai B.O. on 11.01.2014.

Thereafter, his engagement in the said post was reviewed by the competent authority and he was terminated, w.e.f. 14.05.2015, in the light of instructions in letter No.17-39/6/2012-GDS, dated 14.01.2015. Therefore, according to the respondent, the claim of the petitioner was considered and rejection order was passed, thereby the order of the Tribunal in O.A.No.396/2010, dated 09.04.2012, was complied with.

4. At this juncture, the petitioner has filed an affidavit dated 12.11.2023, before this Court stating that the post of GDS MD is a non-pensionable post and he has been fighting for justice from the year 2010. It is further stated by him that only after the dismissal of W.P.No.32955/2012, dated 04.12.2013, the petitioner was appointed as GDS MD, Theruvukadai B.O. w.e.f. 11.01.2014 and after filing of contempt petition in the year 2015, he was terminated from service w.e.f. 14.05.2015 and one Chitra has been given appointment. He further stated that the department has issued an order dated 2.11.2023, directing the petitioner to once again apply for the



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post, as a fresh candidate, when the posts are notified. It is also stated by the petitioner that, his superannuation date is 30.04.2024 and even if he is selected, he can work only upto 30.04.2024. However, by inadvertently, he failed to communicate to his advocate that the GDS post is a non pensionable post and thinking that he will atleast be given continuity of service with pension, backwages for the period was not insisted by his counsel and hence, he seeks to give direction to the authority concerned for giving appointment to him, thereby he can work atleast upto 5 months.

5. The learned counsel for the petitioner has also submitted that, since the date of superannuation of the petitioner is 30.04.2024, suitable direction may be given to the authorities concerned to give appointment to him to the post of GDS, till the date of his superannuation.

6. Mr.AR.L.Sundaresan, learned Assistant Solicitor General submitted that, if the petitioner is agreed for fresh appointment, necessary orders for appointment as GDS will be issued to the petitioner and he can continue in service till the date of his superannuation.



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WEB COPY 7. The learned counsel for the petitioner has also agreed to the above said terms.

8. Recording the submission made by the learned counsel on either side, we inclined to pass the following order.

i) The respondent is directed to give appointment order to the petitioner to the post of GDS, as a fresh recruitee, within two weeks from the date of receipt of a copy of this order, so as to enable him to continue in service till the date of his superannuation.

9. With the above direction, this contempt petition is disposed of.

(D.K.K.J.)

(P.D.B.J.)

20.11.2023

Note: Issue order copy on 23.11.2023

Internet: Yes/No

Index : Yes/No

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