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Cont.P.Nos.1242, 1243, 1244, 1245 and 1246 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Contempt Petition Nos.1242, 1243, 1244, 1245 and 1246 of 2022

G.Thiruvvarul	...	Petitioner in Cont.P.1242/2022
S.Rajagopal	...	Petitioner in Cont.P.1243/2022
S.Sheshathiri	...	Petitioner in Cont.P.1244/2022
K.Subramanian	...	Petitioner in Cont.P.1245/2022
V.Venugopal	...	Petitioner in Cont.P.1246/2022

-Vs-

- 1 Mr. B. Ponnayya
The Commissioner Municipal Administration
Chepauk Chennai - 600 005.
- 2 Mr. K. Sennukrishnan
The Commissioner Mannargudi Municipality
Municipal office Mannargudi
- 3 Mr. Shivadas Meena
The Secretary to Government Municipal
Administration and Water supply Development
Fort St. George Chennai 600009.

... Respondents in all the Cont.Ps

Prayer : Contempt Petitions under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for wilful disobedience of the order passed by this Hon'ble Court dated 05.02.2021 in W.P.Nos.24298,24300,24304,24305 and 24306 of 2008.

For Petitioner	: Mr.K.Harishankar
For Respondent	: Mr.S.Silambanan Additional Advocate General Assisted by Mr.Babu Barveez Government Advocate



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ORDER

These Contempt Petitions have been filed for the alleged disobedience of orders of this Court dated 05.02.2021 in W.P.Nos.24298,24300,24304,24305 and 24306 of 2008.

2. Today when the contempt petitions are taken up for hearing, Mr.S.Silambanan learned Additional Advocate General appearing for the respondents has stated that, in view of the consecutive orders passed by the law Courts, first by the writ court, confirmed by the Division Bench and thereafter by the dismissal of the Special Leave Petition by the Hon'ble Supreme Court, the respondents have come forward to comply with the orders of this Court and thereby the Government has passed G.O.(D) No.523, Municipal Administration and Water Supply Department dated 07.09.2023. Learned Additional Advocate General has also produced a copy of the said Government Order, wherein inter alia the following has been stated.

" 4. Against the orders of the Hon'ble Court dated 05.02.2021, Writ Appeal Nos.1937, 1938, 1939, 1940, 1941, 1942, 1943, 1945, 1946, 1947 of 2022 were filed by the Commissioner, Mannargudi Municipality. In the order second read above, the Hon'ble High Court of Madras has dismissed the above writ appeals on 10.10.2022.

5. The Commissioner, Mannargudi Municipality has filed the Special Leave Petition to appeal before the Hon'ble Supreme Court of India against the order of the Hon'ble High Court of Madras dated



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10.10.2022 in Writ Appeal Nos.1937 to 1947 of 2022 in SLP (C) Diary No.12387 of 2023. The Hon'ble Supreme Court of India has dismissed the SLP (C) Diary No.12387/2023 on 17.04.2023 vide its order fourth read above.

6. Based on the opinion of the Senior Advocate, Supreme Court of India, the Government have also filed Special Leave Petition before the Hon'ble Supreme Court of India against the order of the Hon'ble High Court of Madras dated 10.10.2022 in Writ Appeal Nos.1937 to 1947 of 2022 in SLP (Civil) Diary No.19118/2023.

7. In the meantime, the Contempt Petition came up for hearing on 23.08.2023, the Hon'ble Court has postponed the case to 08.09.2023 with a direction to Government to comply the orders passed by the Hon'ble High Court in W.P.Nos.24296 to 24306 of 2008 dated 05.02.2021.

8. The Supreme Court of India has also dismissed the SLP (Civil) Diary No.19118/2023 on 04.09.2023 filed by the Government vide its order fifth read above.

9. In the light of the orders of the Hon'ble High Court of Madras and Supreme Court of India, after examination of the proposal of the Director of Municipal Administration, the Government permit the Director of Municipal Administration to take necessary action to appoint Thiru.P.Singaravelu and 9 others, who were engaged as daily wage employees for the consecration work of Arulmighu Rajagopalawamy Temple by Mannargudi Municipality in the vacant posts under Group-D of Medical, Sanitation and Public Health Wing of the Municipalities as per the procedure laid down in rules with effect from 05.02.2021 ie., the order of the Hon'ble High Court of Madras and also to sanction one-time benefit to Thiru S.Jeyachandran since he has already crossed the age of 60 years, subject to the condition that this case shall not be cited as a precedent in future."



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3. Relying upon this Government Order, the learned Additional Advocate General would further submit that, insofar as the other petitioners are concerned, they have been taken back to service with effect from 05.02.2021 and in respect of one Jayaraman, since he has already crossed 60 years of age, as per the direction given by this Court, an one time settlement would be given from the date of 05.02.2021 till the date of his superannuation and accordingly that would be paid within a period of three months.

4. The said statement made by the learned Additional Advocate General is taken on record and recording the same, these contempt petitions are closed.

13.09.2023

Index : Yes/No
Internet : Yes/No
KST

To

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R.SURESH KUMAR, J.

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