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Cont.P.No.1000/2022 & Batch



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 14-08-2023

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CONTEMPT PETITION Nos.1000, 925, 927, 933, 929, 930, 932, 928, 934, 926, 931, 1067, 1060, 1094, 1092, 1059, 1015, 1016, 1017, 1027, 1029, 1071, 1028, 1069, 1068, 1011, 1093, 1070, 1072, 1131, 1207, 1208, 1172, 1470, 1608, 1610, 1595, 1609, 1681, 1733, 1948 of 2022, Cont.P.(MD) Nos.1080, 1081 of 2022 & Cont.P.Nos.972, 1029, 1054, 1064, 1084, 1085 of 2023

Cont.P.No.1000 of 2022 :

- 1.C.Jayaveeran
- 2.G.Shanthi
- 3.R.Kavitha
- 4.V.Vairamani
- 5.R.Thangamani
- 6.V.Udhayasuriyan
- 7.R.Suresh Kumar
- 8.G.Vinayaga Murthi
- 9.S.Dekshinamoorthi
- 10.V.Ganasekaran
- 11.B.S.Arutchelvan
- 12.S.Arulprakasam
- 13.M.Raja

...

Petitioners

-VS-



- 1.Mr.Rajesh Lakhoni, I.A.S.,
The Chairman and Managing Director,
Tamil Nadu Electricity Board Ltd.,
No.144, Anna Salai,
Chennai – 600 002.
- 2.Mr.A.Manikannan,
The Chief Engineer (Personnel) & Secretary,
TANGEDCO,
No.144, Anna Salai,
Chennai – 600 002.
- 3.The Secretary to Government,
Human Resources Department,
Fort St.George,
Chennai – 600 009.
- 4.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai – 600 007.
- 5.The Additional Chief Secretary to Government,
Finance Department, Secretariat,
Fort St.George,
Chennai – 600 009.
- 6.The Additional Chief Secretary to Government,
Energy Department, Secretariat,
Fort St.George,
Chennai – 600 009.

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Respondents

Contempt Petition has been filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for non-compliance of the order passed by this Court in W.A.No.214 of 2016, dated 19.11.2021.



For Petitioners : Mr.R.Singaravelan,
Senior Counsel,
for Mr.A.R.Suresh.

For Respondents 1 & 2 : Mr.K.Rajkumar,
Standing Counsel.

For Respondent 3 : Mr.P.Kumaresan,
Addl.Advocate General,
assisted by Mr.S.John J.Raja Singh,
Addl.Govt.Pleader.

For Respondent 4 : Mr.R.Bharanidharan,
Standing Counsel.

For Respondents 5 & 6 : Mr.J.Ravindran,
Addl.Advocate General,
assisted by Mr.S.John J.Raja Singh,
Addl.Govt.Pleader.

COMMON ORDER

(By *S.Vaidyanathan,J.*)

Mr.R.Singaravelan, learned Senior Counsel appearing for the petitioners, would submit that the order of the learned single Judge in Paragraph 10 in W.P.No.15936 of 2013 and its Batch cases has been affirmed by the Division Bench in the W.A.No.298 of 2016 and its Batch cases and that the respondents have not complied with the directions of this Court, by issuing the Notification on or before 31.12.2021.



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2. After the orders of this Court, a new enactment has been introduced, which tried to take away the orders of this Court, and the Government would contend, that, in the light of the subsequent enactment, this Court may specify as to the benefits that may be extended to the persons concerned, who have the benefit of the orders of this Court.

3. It has been fairly stated by the respondents that their intention is not to deprive the benefit to the petitioners, but, however, the same has got to be done in accordance with the rules.

4. There was a communication between the Electricity Board and the TNPSC and finally TNPSC would submit that unless the Electricity Board is going to specify about the conduct of the selection either based on old syllabus or new syllabus, further proceedings could not take place and also sought a clarification as to whether only the persons, numbering 61, have to be taken into account for the purpose of extending the benefit based on the interview that may be conducted.

5. Though it is stated by the learned counsel for TNPSC that examination alone would be the better method of selecting the candidates and not interview as it may give rise to another litigation, this Court, in Contempt Petitions, cannot review the order already passed by this Court. In the earlier order, we have made it very clear that preference should be given to the candidates who have got the benefit of the order. It



does not mean that we have stated that it should be restricted only to 61 persons. The order specifically mentioned the number as 61, as the number of employees concerned in the appeals is only 61, and not otherwise. Since the parties have agreed to participate in the selection process based on the advertisement taking into account the old syllabus, all the candidates, who are similarly placed, must be taken into account for the purpose of selection and, if two things are equal, preference should be given to the candidates, who are concerned in these appeals. It does not mean that others should be ignored. We reiterate that since this is not a review, we cannot order for conduct of examination and interview alone should be conducted for considering the case of the candidates. whose cases have been dealt with by the Division Bench, and others, who are similarly placed.

6. Contempt Petitions are closed accordingly.

Index : Yes/No
Internet : Yes/No

(S.V.N.,J.) (K.R.S.,J.)
14-08-2023

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