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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Contempt Petition No.874 of 2018

P.Sreedharan Pillai .... Petitioner

-Vs-

1.Mr.T.K.Rajendran, IPS
The Director General of Police
Mylapore, Chennai 600 004.

2.Mr.A.K.Viswanath
The Commissioner of Police
Egmore, Chennai 600 008. .... Respondents

Prayer : Contempt Petition under Contempt Petition 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 11.11.2016 in W.P.No.29798 of 2010.

For Petitioner : Mr.T.T.Ravichandran

For Respondents : Mr.J.Ravindran, Additional Advocate General assisted by Mr.M.Murali, Govt.Advocate

O R D E R

This contempt petition has been filed for the alleged disobedience of the orders passed by this Court dated 11.11.2016 made in W.P.No.29798 of 2010.

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2. After several hearings, today when the contempt petition is taken up for hearing, Mr.J.Ravindran, learned Additional Advocate General appearing for the respondents submitted that, the Government issued a Government Order in G.O.(D) No.1428, Home (Police-III) Department dated 13.12.2023, where the Government has decided to reject the plea of the petitioner to include his name in the panel of Head Constables (Armed Reserve) fit for promotion as Sub-Inspectors of Police (Armed Reserve) for the year 1999-2000, as it was not feasible for the reasons stated therein.

3. Citing the said Government Order, the learned Additional Advocate General would contend that, since the orders of this Court has been complied with, this contempt petition can be closed.

4. However, the learned counsel for the petitioner would contend that, in the year 2020 when the contempt petition was taken up for hearing, the respondents had given a different reason and thereafter they have come up with another reason, which was pointed out by the Court as not a proper reason, as the Director General of Police has recommended the case of the petitioner for promotion or inclusion of his name in the panel fit for promotion for the post of Sub Inspector of Police for the panel year 1999-2000, on what basis the Government had rejected it, has to be spelt out by giving reasons.

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5. The said order in detail was passed on 29.11.2023. Only pursuant to this order, the Government has now come forward with the present Government Order as referred to above, where, they have given a reason that the last person selected for promotion or appointment to the post of Sub Inspector of Police secured 62.9 marks, whereas the petitioner secured only 57.9 marks. In between, these two candidates, there are 73 Head Constables available. Therefore, the relaxation under Rule 3 sought for by the petitioner cannot be granted by the Government only to the petitioner and if such gesture is shown to the petitioner, all the other 73 people will raise the issue that will affect the smooth functioning of the entire administration of the Department concerned.

6. Even the present reason stated by the Government, according to the petitioner, is only for the rejection purpose and it is not the actual reason. This Court is not impressed with the said submission made by the learned counsel for the petitioner because, it is only a contempt petition where, whether there has been a wilful disobedience of the order passed by this Court or not has to be looked into. Otherwise, if the orders have been complied with and Government Order has been issued by the Government stating the reason, whether such a decision taken by the Government is justifiable or not cannot be gone into in this contempt proceedings, for which the petitioner has to approach the appropriate

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forum in the manner known to law. Therefore, no further persuasive action is required in this contempt petition. Hence, recording the aforesaid development, this contempt petition is closed.

13.12.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST

To

1.Mr.T.K.Rajendran, IPS
The Director General of Police
Mylapore, Chennai 600 004.

2.Mr.A.K.Viswanath
The Commissioner of Police
Egmore, Chennai 600 008.

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R. SURESH KUMAR, J.

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13.12.2023

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