



Cont.P.No.1264 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Cont.P.No.1264 of 2023

in

W.P.No.22906 of 2016

R.Kala

... Petitioner

Vs.

1. Kumar Jayant IAS,
The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.

2. S.K.Prabakar IAS,
The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

3. S.Karmegam IAS,
The District Collector,
Collectorate, Salem District.

4.Dr.P.Menaha MVSC,
The District Revenue Officer,
Collectorate, Salem,
Salem District.

...Respondents



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Prayer:- Contempt Petition filed Under Section 11 of the Contempt of Court Act, 1971 to punish the respondents for his willful and wanton disobedience of order in W.P.No.22906 of 2016 dated 29.09.2022.

For Petitioner : Mr.M.Elango

For Respondents : Mr.D.Ravichander,
(for R1 to R4) Special Government Pleader

ORDER

The Contempt Petition on hand has been filed to punish the respondents for their willful disobedience of the orders passed by this Court on 29.09.2022 in W.P.No.22906 of 2016

2.This court passed an order extracted as under:

“5.In the present case also, the petitioner accepted the condition to forego her seniority in the transferred district at Salem and thus, she cannot claim any seniority based on her initial appointment at Nilgiris District. The promotion orders, which all are impugned are passed by the respondents in the order of seniority and the petitioner has to be considered for promotion in accordance with the seniority and subject to the eligibility. The respondents have to ensure that the seniority list is prepared in accordance with the rules and



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the name of the petitioner is also to be included in the seniority list in the appropriate place taking note of the conditions stipulated in the order of transfer dated 13.04.2015.”

3.The grievances of the contempt petitioner is that the seniority has not been fixed as directed by this Court. Thus, the contempt petition is filed.

4.The learned Special Government Pleader, relying on the compliance report filed by the 4th respondent, made a submission that the case of the petitioner was considered taking note of her service particulars including the transfer / considering the request transfer made on condition to forego the seniority. The petitioner accepted the condition to forego her seniority in the transferred District at Salem and accordingly, the seniority of the petitioner was fixed.

5.The compliance report filed by the District Revenue Officer, Salem in this regard reads as under:

“6.It is submitted that the petitioner who has attached a seniority list dated 01.06.2015 along with her petition



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dated:29.11.2022 has stated that Thiru G. Jaiganesan who is also a Directly Recruited Assistant allotted to Salem Revenue Unit is placed in the Serial No.103 of the above said list is her junior and now he has been promoted as Deputy Tahsildar and hence she has requested to promote her as Deputy Tahsildar. But, Thiru.Jaiganesan who belongs to 2012 batch joined as Senior Revenue Inspector in Salem Revenue Unit on 26.12.2012 and his regularization in service and completion of probation was declared on 26.12.2012 and 25.12.2014 A.N. respectively which was prior to the joining of the petitioner in Salem Revenue Unit i.e., 08.05.2015. Hence the request of the petitioner to fix her seniority in the place of Thiru G.Jaiganesan who joined in Salem District in the year of 2012 is violation of the conditions in para No.6(1) of the Additional Chief Secretary / Commissioner of Revenue Administration Proc.Roc.Ser 4(1) / 50361/2014 dated: 13.04.2015. Further, it is submitted that the seniority list of Senior Revenue Inspectors dated 01.06.2015 mentioned by the petitioner is not an authenticated one.

7. It is submitted that the name of the petitioner was included in the year of 2015-2016 (ie., the crucial date of inter-se-seniority from 15.03.2015 to 14.03.2016) since the petitioner joined in Salem District, Revenue Unit on



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08.05.2015 only through One Way District transfer by the orders issued by the Additional Chief Secretary Commissioner of Revenue Administration Roc.Ser.4(1)/50361/2014 dated: 13.04.2015. Also as per the direction of the Hon'ble Supreme Court of India, the seniority list was revised on merit basis and the list of inter-se-seniority (combined seniority list between Directly Recruited Assistants, Promotees and Assistants by way of transfers) was published in Salem District as per Salem District Revenue Officer's Roc.No.20791/2016/A3, dated 06.04.2022, and the name of the petitioner was placed first in the year of 2015-2016 (Sl. No.311) of the inter-se-seniority list appropriately based on merit.”

6.In view of the fact that the seniority of the petitioner has been fixed in consonance with the orders issued by this Court, the respondents have not violated the orders nor committed any contempt willfully.

7.Accordingly, the contempt petition stands **closed**. No costs.

(sha)
Index : Yes
Speaking Order

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Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

(sha)

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