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**Sub Application (OS) Nos.480, 481 and 728 of 2022
in
Cont. Petn. No.615 of 2021**

**S. VAIDYANATHAN, J.
and
SENTHILKUMAR RAMAMOORTHY**

Sub Application (OS) No.480 of 2022 has been filed to re-open the contempt petition being Cont. P. No.615 of 2021.

2 According to the petitioners, 90 persons are eligible for promotion and the panel is still in service by virtue of the interim order passed by this Court.

3 According to the respondents, the panel has been drawn and eligible candidates have been selected and if the left out candidates are aggrieved, they cannot, by means of filing a sub application, seek to re-open the contempt petition and seek a direction to promote them.

4 According to the petitioners, there are 130 vacancies, in which, 93 candidates have got accommodated by means of direct recruitment and in the remaining 37 vacancies, the petitioners could be accommodated.

5 The aforesaid point cannot be addressed and a finding rendered in a contempt petition. In the contempt jurisdiction, this Court can only consider as to whether there is wilful or deliberate disobedience of the order



passed by this Court. Further, this Court cannot keep Damocles' sword hanging over the head of the respondents and direct them to do one or the other act to accommodate the petitioners. If the petitioners have got any grievance, it is for them to challenge the proceedings or inaction of the respondents in not promoting them, in the manner known to law.

In view of the above discussion, Sub Application (OS) No.480 of 2022 stands closed. In view of the order passed in Sub Application (OS) No.480 of 2022, Sub Application (OS) Nos.481 of 2022 and 728 of 2022 stand closed.

(S.V.N., J.) (S.K.R., J.)
25.07.2023

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