



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.06.2023**

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

Contempt P.No.790 of 2023
In W.P.No.16337 of 2011

Damodaran

... Petitioner

Vs

1.Sanjay Chander,
The Director,
Railway Protection Force, Railway Board,
New Delhi, Union of India.

2.G.M.Eswara Rao,
The Chief Security Commissioner,
Railway Protection Force, 6th Floor, M.M.C.,
Chennai - 600 003.

... Respondents

PRAYER: This Contempt Petition had been filed for the wilful disobedience of the order of this Court made in W.P.No.16337 of 2011 and W.M.P.No.13365 of 2017 dated 19.09.2022.

For Petitioner : Ms.Y.Kavitha

For Respondents : Mr.Karthikeyan
Standing Counsel

ORDER

This Contempt Petition had been filed for the wilful disobedience of the order of this Court made in W.P.No.16337 of 2011 and W.M.P.No.13365 of 2017 dated 19.09.2022.



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2.The case of the petitioner is that the respondents, even though this Court had held that the petitioner is entitled for the third financial up gradation under the MACP Scheme had rejected the claim made by the petitioner on the ground that he does not meet the benchmark for the grant of upgradation under the MACP Scheme. This according to the petitioner is wilful disobedience of this Court.

3.Learned counsel appearing for the respondent would submit that there are guidelines framed for the grant of MACP. Since, the petitioner does not fulfill the said guidelines, the claim of the petitioner had been rejected. The direction of this Court to consider the case of the petitioner had been carried out by the respondent and therefore, there is no violation of the order passed by this Court.

4.This Court vide its order dated 19.04.2022 had set aside the order passed by the respondents rejecting the request of the petitioner for upgradation under the MACP Scheme and the reason assigned for rejecting the claim of the petitioner was not correct and directed the authorities to apply the third financial up gradation under the MACP Scheme to the petitioner when he becomes eligible and pay



all consequential attendant benefits.

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5.However, by the order dated 15.11.2022, the respondent herein had applied for the MACP Scheme in terms of RBE No.101/2009 dated 10.06.2009 and had refused to apply the same as the petitioner did not obtain the minimum qualifying marks. Hence, he was declared as unqualified. The petitioner being aggrieved, had filed this Contempt Petition as being violative of the order passed by this Court.

6.A perusal of the order dated 15.11.2022, passed pursuant to the direction issued by this Court, at the first blush would make a look that there is a violation of the orders of this Court as contended by the petitioner. But, however, reasons have been assigned by the authorities/ respondents in not extending the third financial up gradation under the MACP Scheme. This reason has to be tested by the petitioner in the manner known to law. The validity of the same cannot be gone into in a Contempt Petition.

7.In such circumstances, I do not find any wilfull



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disobedience on the part of the respondents of the order passed by this Court. Hence, the above captioned Contempt Petition is closed. However, liberty is given to the petitioner to challenge the same in the manner known to law.

07.06.2023

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K.KUMARESH BABU,J.

gba

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