



WEB COPY

*Cont.P.(MD).No.446 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.04.2023

CORAM

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

Cont.P.(MD).No.446 of 2023

in

W.P.(MD).No.19862 of 2018

- 1.Murugan
- 2.Ponnupandi
- 3.Krishnaprasath
- 4.Sasikumar
- 5.Mahadevan
- 6.Gurumoorthy
- 7.Senthilkumar
- 8.Kannan
- 9.Marudhamuthu
- 10.Katturaja
- 11.Asraf Ali



Cont.P.(MD).No.446 of 2023

WEB COPY

12.Manikandan

13.Anandapadmanadha Siva

... Petitioners

Vs.

1.Thiru.P.Ponniah, I.A.S.,  
The Commissioner of Minicipal  
Administration,  
6th Floor, Ezhilagam,  
Annex Building, P.W.D.Estate,  
Chepauk, Chennai.

2.Thiru.Simranjeeth Singh Kahlon, I.A.S.,  
The Commissioner,  
Madurai Corporation,  
Madurai.

... Respondents

**PRAYER:** Petition filed under Section 11 of the Contempt of Courts Act, pleased to punish the first and second respondents herein for their deliberate and willful disobedience of the order of this Court dated 14.12.2021 in W.P.(MD).No.19862 of 2018.

For Petitioner : Ms.Amala Irudhaya Mary

For Respondents : Mr.S.R.A.Rama Chandran  
Additional Government Pleader for R1

: Mr.K.K.Kannan for R2



*Cont.P.(MD).No.446 of 2023*

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### **ORDER**

This contempt petition has been filed alleging that the order passed by this Court in W.P.(MD).No.19862 of 2018 dated 14.12.2021 was not complied with.

2. At the admission stage itself, this Court was of the opinion that regularization can be considered by the Government. Therefore, the first respondent was directed to submit the papers before the Government.

3. When the petition is taken up for hearing today, the learned counsel appearing for the second respondent produced a copy of the proceedings issued by the second respondent, wherein, the second respondent has submitted the proposal to regularize the service of the petitioners to the first respondent.

4. After considering the same, the respondents had passed an order declining the regularization, since the rules and regulations did not permit regularization.



*Cont.P.(MD).No.446 of 2023*

WEB COPY

5. The learned counsel for the petitioner submitted that this Court has granted a positive direction. However, on perusing the order, it is seen that the learned single Judge of this Court had held that after the proposal is submitted by the second respondent, needful will be done to regularize their services. When there is no positive direction to regularize the service, the contention of the petitioners cannot be accepted. Moreover, the learned single Judge has directed to regularize in accordance to rules only.

6. The learned counsel for the first respondent has categorically stated that as per the rules and regulations the service of the petitioners could not be done. When the rules and regulations is not permitting, it cannot be stated that the respondents have committed contempt. Therefore, there is no contempt as alleged.



WEB COPY



Cont.P.(MD).No.446 of 2023

7. Accordingly, this contempt petition stands closed. The petitioners are at liberty to challenge the orders passed by the first and second respondents, if so advised.

**21.04.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
*sbn*

To

- 1.Thiru.P.Ponniah, I.A.S.,  
The Commissioner of Municipal  
Administration,  
6th Floor, Ezhilagam,  
Annex Building, P.W.D.Estate,  
Chepauk, Chennai.
- 2.Thiru.Simranjeeth Singh Kahlon, I.A.S.,  
The Commissioner,  
Madurai Corporation,  
Madurai.



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**S.SRIMATHY, J**

*sbn*

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**21.04.2023**