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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.09.2023**

CORAM

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

CONT.P.(MD)No.541 of 2020

V.Premkumar

...Petitioner

-Vs.-

1.Hans Raj Verma, I.A.S.,
Principal Secretary,
Rural Development and Panchayat Raj Development,
Fort St.George, Chennai-9.

2.Dr.K.S.Palanisamy, I.A.S.,
Commissioner cum Director,
Rural Development and Panchayat Raj Development,
Panagal Building, Saidapet, Chennai-15.

3.R.Kannan, I.A.S.,
District Collector,
Virudhunagar District, Virudhunagar.

4.P.Vellaichamy
Block Development Officer,
Vembakottai Panchayat Union,
Virudhunagar District.

...Respondents

PRAYER:- Contempt Petition - filed under Section 11 of the Contempt of Court Act, to punish the contemnors/respondents for wanton and wilful



disobedience of the order passed by this Court in W.A.(MD)No.1372 of 2019 dated 21.11.2019.

For Petitioner : Mr.Selvam
for Mr.G.Thalaimutharasu
For Respondents : Mr.Veerakathiravan
Additional Advocate General
assisted by Mr.D.Saikumar
Additional Government Pleader

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

Heard Mr.S.Selvam, learned Counsel for
Mr.G.Thalaimutharasu, learned Counsel for the Contempt Petitioner and
Mr.Veera Kathiravan, learned Additional Advocate General appearing for
the respondents.

2.In common order dated 21.11.2019 as against which contempt is alleged, the Court has dealt with a challenge by several Writ Petitioners to an order passed by TNPSC. The crux of the challenge relates to a request for regularisation of their service by individuals who had been appointed as Computer Assistants in the Mahatma Gandhi National Rural Employment Guarantee Scheme (in short 'MGNREGS').



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3.The Division Bench had, in modification of the order of the Writ Court, issued a direction to the first appellant, ie., the Principal Secretary, Rural Development and Panchayat Raj Department to take note of the recommendations of the Director of Rural Development and Panchayat Raj Department dated 28.02.2019 and take a 'conscious decision' as to the veracity or otherwise of the request of the individuals for regularisation of their services.

4.Admittedly, there has been no compliance of the direction of this Court in time and G.O.(Ms).No.92, Rural Development and Panchayat Raj (E5) Department, passed avowedly in compliance of the direction of this Court, is dated 13.07.2023, long past the time of eight weeks granted.

5.Be that as it may, the Government Order now passed reflects conscious conclusion, bearing in mind the settled position of law (see (1)State of Karnataka and others vs Uma Devi [(2006) 4 SCC 1 and (2)State of Rajasthan vs Daya Lal [2011 (2) SCC 429] that the recruitments of the individuals in line with proper procedure. Hence, the



question of absorbing 906 Computer Assistants (of which 13 filed Writ Petitions) does not arise. Incidentally, G.O.(Ms).No.92, has been challenged by two disgruntled Computer Assistants in W.P.No.23311 of 2023 (Principal Seat) and W.P.(MD)No.18768 of 2023 (Madurai Bench)

6.We condone the delay in compliance of the order of the direction under order dated 21.11.2019 and accept the request of the State to the effect that the passing of G.O.(Ms).No.92, would amount to compliance of order dated 21.11.2019. Recording the aforesaid, this Contempt Petition is closed. No costs.

[A.S.M.J.,] & [R.V.J.,]
13.09.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No

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AND
R.VIJAYAKUMAR, J.

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