



Cont.P.(MD) No.920 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CONT.P.(MD)No.920 of 2021

A.John Britto

... Petitioner

-Vs-

1.Mr.S.K.Prabhakar, I.A.S.,
The Secretary to the Government,
Home (Police V) Department,
Fort St.George, Chennai-9.

2.Mr.J.K.Tripathy, I.P.S.,
The Head of Police Force / Director General of Police,
Police Headquarters, Law and Order,
Dr.Radhakrishnan Salai, Mylapore,
Chennai-4.

3.Mr.G.Manivannan

... Respondents

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnors for willful disobedience of the order passed by

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WEB COPY this Court in M.P.(MD)No.1 of 2013 in W.A.(MD)SR.No.33910 of 2013, dated 08.03.2018.

For Petitioner : Mr.R.Anand
For R1 & R2 : Mr.B.Saravanan,
Additional Government Pleader.

ORDER

[Order of the Court was made by R.SURESHKUMAR, J.]

This Contempt Petition is filed for the alleged disobedience of the order passed by this Court in M.P.(MD)No.1 of 2013 in W.A.(MD)SR.No.33910 of 2013, dated 08.03.2018.

2.The petitioner in fact was a third party and one Manivannan / 3rd respondent herein had filed a Writ Petition in W.P.(MD)No.1699 of 2012, seeking for Mandamus before the Writ Court to consider his representation to redraw the seniority of Sub Inspector of Police and that was directed to be considered by the Writ Court. Aggrieved over the same, the present petitioner had sought for leave from this Court by filing the said Miscellaneous Petition

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and while deciding the said Miscellaneous Petition, the Division Bench of this Court, vide order dated 08.03.2018, has given a clarification that merely because a representation has been given by the writ petitioner, automatically seniority would not be altered and it has to be done as per the rule on merits. That clarification alone is given by the Division Bench of this Court. Subsequently, it seems that the seniority has been redrawn and therefore, the seniority list seems to have been issued. Challenging the seniority list, the affected parties like the present petitioner had already filed Writ Petitions before the Principal Seat of this Court, which are pending, wherein interim order also seems to have been granted.

3.However, such a challenge has not been made by the present petitioner. He has simply moved this Contempt Petition as if that the respondents have violated the order passed in the said Miscellaneous Petition, where the Division Bench of this Court has only given a clarification that merely because the representation has been given by anyone, that cannot be a basis for the alteration of the seniority. On what basis such alteration has been made by



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the official respondents is the matter *sub-judice* before the Principal Seat of this Court in the said Writ Petitions filed by the aggrieved parties.

4. Therefore, at present it cannot be construed as violation of the order of this Court. Hence, no contempt can lie. Therefore, this Contempt Petition is dismissed. The dismissal of this Contempt Petition will not preclude the petitioner to challenge the altered seniority list, which has already been under challenge as stated supra, in the manner known to law.

[R.S.K., J.] & [K.K.R.K., J.]
19.06.2023

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

MYR

To

1. Mr. S.K. Prabhakar, I.A.S.,
The Secretary to the Government,
Home (Police V) Department,
Fort St. George, Chennai-9.

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The Head of Police Force / Director General of Police,
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