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Cont.P.(MD) No.1885 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

Cont.P.(MD) No.1885 of 2023

in

W.A.(MD) No.540 of 2023

K.Senthilkumar

... Petitioner

-VS-

- 1.P.Kumar Singh
Commissioner
Kayalpattinam Municipality
Kayalpattinam
Tuticorin District
- 2.Dr.D.Karthikeyan, I.A.S.,
Secretary to Government
Municipal Administration and
Water Supply Department
Fort St.George
Chennai-9
- 3.S.Sivarasu, I.A.S.,
Managing Director-cum-
Commissioner of Municipal Administration
Ezhilagam, Chepauk
Chennai-600 005



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4.Vijayalakshmi
Regional Director
Municipal Administration Department
Thiruvananthapuram Road
Palayamkottai
Tirunelveli-2

... Respondents

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents for the willful disobedience of the order passed by this Court in W.A.(MD) No.540 of 2023, dated 06.06.2023.

For Petitioner : Mr.V.Karthikeyan

For Respondents : Mr.V.Nirmal Kumar for R1
Mr.S.P.Maharajan
Special Government Pleader for R2 to R4

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

This contempt petition has been filed alleging willful disobedience of the Judgment, dated 06.06.2023, made in W.A.(MD) No.540 of 2023.



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2. Learned Special Government Pleader appearing for the respondents 2 to 4 furnished a copy of the letter dated 30.10.2023, sent by the Commissioner, Kayalpattinam Municipality to the Special Government Pleader, Madurai Bench of Madras High Court, stating that the contempt petitioner has been appointed as Work Inspector with effect from 13.09.2023 and he is working as such, as of now, and salary for the period from the month of September 2022 to November 2022, during which the petitioner was working in Kayalpattinam Municipality, was calculated and disbursed to the contempt petitioner. Thus, the Judgment passed by this Court has been complied with.

3. Learned counsel appearing for the contempt petitioner disputed the above submission of the learned Special Government Pleader by stating that the Judgment of this Court has not been complied with in its letter and spirit and therefore, the respondents are liable to be punished.

4. We have carefully gone through the order, dated 12.04.2022, passed by the learned Single Judge in W.P.(MD) No.58 of 2016, wherein a direction was issued to the Secretary to Government, Municipal



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Administration and Water Supply Department to consider the recommendation proceedings of the Regional Director, Municipal Administration Department, Palayamkottai, Tirunelveli-2 and the Commissioner, Kayalpattinam Municipality, Tuticorin District, in the light of Government Order and grant regularization of service to the contempt petitioner. The said order of the learned Single Judge was confirmed by the Division Bench of this Court by order dated 06.06.2023 in W.A.(MD) No.540 of 2023. It is brought to the notice of this Court that the special leave petition filed by the respondents before the Apex Court was dismissed. Thus, petitioner has chosen to move the present contempt proceedings.

5. The direction in the writ petition was to the Secretary to Government, Municipal Administration and Water Supply Department, to consider the recommendation proceedings of the Regional Director, Municipal Administration Department, Palayamkottai, Tirunelveli-2 and the Commissioner, Kayalpattinam Municipality, Tuticorin District, in the light of Government Order and grant regularization of service to the contempt petitioner. But, there is no direction to grant regularization of service with retrospective effect or otherwise. Now, the contempt petitioner has been



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appointed as Work Inspector and he is working as such as of now, more so salary for the period from the month of September 2022 to November 2022, during which the petitioner was working in Kayalpattinam Municipality, was also calculated and disbursed to the contempt petitioner. Thus, the petitioner has not established any willful disobedience of the Judgment passed by this Court and therefore, the contempt petition is liable to be closed.

6. Accordingly, the contempt petition is closed.

[S.M.S., J.]

[L.V.G., J.]

31.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.Dr.D.Karthikeyan, I.A.S.,
Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai-9.



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- 2.Mr.S.Sivarasu, I.A.S.,
Managing Director-cum-
Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai-600 005.
- 3.Ms.Vijayalakshmi,
Regional Director,
Municipal Administration Department,
Thiruvananthapuram Road,
Palayamkottai,
Tirunelveli-2.



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