



Cont.P.(MD)No.1104 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cont.P.(MD)No.1104 of 2020

in

W.P.(MD)No.4342 of 2018

C.Babu Rajan

... Petitioner / Petitioner

Vs.

1.K.Elangovan,
The Managing Director,
State Express Transport Corporation,
Pallavan Street,
Chennai – 2.

2.J.Sampath,
The General Manager(Administration),
State Express Transport Corporation,
Pallavan Street,
Chennai – 600 002.

3.A.Jegathes,
The Branch Manager,
State Express Transport Corporation Ltd.,
Kanyakumari Branch,
Kanyakumari,
Kanyakumari District.

... Contemnors / Respondents



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PRAYER: Petition filed under Section 11 of the Contempt of Courts Act to initiate contempt proceedings against the contemnors/respondents and punish them for the willful disobedience of the order made in W.P(MD)No.4342 of 2018, dated 16.10.2019.

For Petitioner : Mr.S.Louis

For Respondents : Mr.S.C.Herold Singh

ORDER

For non-compliance of the order of this Court, dated 16.10.2019 passed in W.P(MD)No.4342 of 2018, this Contempt Petition is filed.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. Perusal of the records shows that the petitioner has filed the writ petition stating that the petitioner was appointed as a Conductor under the category of disability and posted in Nesamani Transport Corporation on 01.11.1988. Subsequently, he was transferred to the State Express Transport Corporation, Kanyakumari District and from 01.11.2012, he was posted as Controller at the Control Section in the office of the sixth respondent. The



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petitioner is a 50% physically challenged person. While so, from 27.07.2016, he was not permitted to serve as Controller at the Control Section in the office of the sixth respondent therein. Therefore, he has given a representation, dated 30.07.2016, to all the respondents therein, to permit him to work as Controller in the Control Section in the office of the sixth respondent. However, no order has been passed on the representation of the petitioner. Therefore, he has filed a writ petition in W.P(MD)No.15655 of 2016, seeking for a direction to dispose of the representation of the petitioner, dated 30.07.2016. This Court vide order dated 27.09.2016, directed the respondents to consider the representation of the petitioner and pass appropriate orders thereon, within a period of four weeks. However, the petitioner was not allowed to join duty as Controller at the Control Section in the office of the sixth respondent and he was directed to give a leave letter. Therefore, the petitioner has given a representation, dated 24.09.2016, seeking for leave from 21.08.2016 to 20.09.2016 as he had several days of earned leave. While so, the third respondent in the writ petition has passed an order, dated 01.10.2016, posting the petitioner as Conductor. Therefore, the petitioner has filed



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another writ petition in W.P(MD)No.22210 of 2016, challenging the said order of the third respondent, dated 01.10.2016. This Court vide order, dated 21.11.2016, has held that till the medical opinion is obtained, suitable alternative employment was not provided to the petitioner and therefore, the third respondent is responsible for providing salary to the petitioner. Subsequently, the petitioner was permitted to join duty on 15.03.2017 as Time Keeper at Kanyakumari Branch and by the communication, dated 23.03.2017, the petitioner was directed to appear before the Medical Board. The Medical Board, after examining the petitioner, gave a report, mentioning the disability of the petitioner at 50%. Based on the report of the Medical Board, the third respondent by the impugned order, dated 17.11.2017, has posted the petitioner as Helper (Non ITI). Challenging the same, the petitioner has filed the writ petition. This Court vide order, dated 16.10.2019, allowed the writ petition and issued a direction to the respondents to permit the petitioner to continue in the same cadre of Selection Grade Senior Conductor with same staff number viz., 30006. However, the said order is not complied with. Hence, the petitioner has filed this contempt petition.



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4. However, the first respondent issued an order, dated 17.12.2019, posting the petitioner to Cash & Ticket Section at Kanyakumari Depot, which is equivalent to the post of Selection Grade Senior Conductor and thereafter, a subsequent order was also passed on 23.07.2020, directing the petitioner to join duty and the petitioner also joined duty.

5. In view of the above, this Court is of the view that there is no willful disobedience of the order of this Court. Hence, this Contempt Petition is closed.

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M.DHANDAPANI, J.

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