



Cont.P.Nos.2264 to 2272 of 2015 and Rev.Aplw.Nos.135,
136, 137, 138, 142, 144, 145, 146, 147 and 148 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : .02.2024

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**Contempt Petition Nos.2264 to 2272 of 2015 and Rev.Aplw.Nos.
135, 136, 137, 138, 142, 144, 145, 146, 147 & 148 of 2013**

Contempt Petitions

P.Rajakumar	...	Petitioner in Cont.P.2264/2015
T.Jabaraj	...	Petitioner in Cont.P.2265/2015
P.Mohanakumar	...	Petitioner in Cont.P.2266/2015
S.Dilli Ganesh	...	Petitioner in Cont.P.2267/2015
K.Santhosh Kumar	...	Petitioner in Cont.P.2268/2015
J.Kumar	...	Petitioner in Cont.P.2269/2015
T.Govidaswamy	...	Petitioner in Cont.P.2270/2015
A.Mohan	...	Petitioner in Cont.P.2271/2015
B.Rajan	...	Petitioner in Cont.P.2272/2015

-Vs-

1.Lieutenant General Amit Sarin
The Director General of Ordinance
Service ((OS-SC), MGO's Branch
Integrated Head Quarters of MOD
(Army), New Delhi - 110 011.

2.Colonel Ajit Tomar
Commandant, Ordnance Depot IAF
Avadi, Chennai-55.

3.Lieutenant Colonel B.Bharat
Ordnance Officer, Civilian Ordnance Depot
Avadi, Chennai-55.

... Respondents in all Contempt
Petitions



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Prayer : Contempt Petitions under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for wilful disobedience of the common order passed by this Hon'ble Court dated 11.07.2013 made in W.P.Nos.18886 to 18895 of 2013.

In all Contempt Petitions

For Petitioners : Mr.R.Singaravelan, Senior Counsel
for M/s.M.Srividhya

For Respondents : Mr.K.Gunasekar
Senior Panel Counsel for Central Govt.

Review Applications

- 1.Union of India represented by
The Director General of Ordinance
Service ((OS-SC), MGO's Branch
Integrated Head Quarters of MOD
(Army), New Delhi - 110 011.
 2. The Commandant, Ordnance Depot IAF
Avadi, Chennai-55.
 3. The Ordnance Officer,
Civilian Ordnance Depot
Avadi, Chennai-55.
- ... Applicants in all Review
Applications

-VS-

T.Jebaraj	...	R1 in Rev.Aplw.135/2013
P.Mohanakumar	...	R1 in Rev.Aplw.136/2013
Shaikh Mahaboob Basha	...	R1 in Rev.Aplw.137/2013
B.Rajan	...	R1 in Rev.Aplw.138/2013
P.Rajakumar	...	R1 in Rev.Aplw.142/2013
S.Dilli Ganesh	...	R1 in Rev.Aplw.144/2013
K.Santhosh Kumar	...	R1 in Rev.Aplw.145/2013
J.Kumar	...	R1 in Rev.Aplw.146/2013



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T.Govindaswamy

... R1 in Rev.Aplw.147/2013

A.Mohan

... R1 in Rev.Aplw.148/2013

2.The Registrar

Central Administrative Tribunal

Chennai Bench, Chennai.

... R2 in all Review Applications

Prayer : Review Applications under Order 47 Rule 1 read with Section 114 of C.P.C., to review the common order dated 11.07.2013 made in W.P.Nos.18886 to 18895 of 2013.

In all Review Applications

For Applicants : Mr.K.Gunasekar
Senior Panel Counsel for Central Govt.

For Respondents : Mr.R.Singaravelan, Senior Counsel
for M/s.M.Srividhya - for R1
R2 - Tribunal

COMMON ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

Since the issue raised in both the Review Applications as well as the Contempt Petitions is one and the same or inter-connected, with the consent of the learned counsel for both sides, all these cases were heard together and are disposed of by this common order.

2. The Contempt Petitioners P.Rajakumar and Others, pursuant to the notification issued by the respondents to fill up vacancies of Mazdoor reserved



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exclusively for Ex-servicemen (General) and Ex-servicemen (OBC) submitted their applications. Thereafter, the selection process went on and ultimately they were selected for the post of Mazdoors at Ordnance Depot, Avadi, Chennai in the year 2008.

3. However, the Department did not take any steps further to give them appointment as Mazdoors. Therefore, having waited for three years, they approached the Central Administrative Tribunal, Madras Bench by filing O.A.No.1281 of 2011 etc., batch. The said batch of original applications were heard and disposed of by a common order of the Tribunal dated 13.07.2012, whereby, a direction was given to the respondent Department to appoint the applicants who were provisionally selected to the post of Mazdoor by passing a reasonable order within a period of two months.

4. As against the said order passed by the Tribunal, the Department ie., Union of India filed a batch of Writ Petitions in W.P.Nos.18886 to 18895 of 2013. A Division Bench of this Court having heard both parties, was pleased to dispose of those writ petitions by a common order dated 11.07.2013 wherein the Division Bench has made the following order:

*" 5. We are unable to understand the meaning for the words
"under active consideration" used by the petitioners from the year*



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2008 till the year 2012, the year in which the original applications came to be disposed of. The petitioners also have not given valid reasons for not taking steps to issue appointment orders to the respondents on the basis of the provisional selection made during the year 2008, thereby causing great hardship to the applicants / respondents viz., whether they are going to get appointment orders or not, for years together.

6. In view of the facts noted above, we see no reason to interfere with the orders challenged in these writ petitions and the writ petitions are dismissed with costs of Rs.10,000/- (Rupees Ten Thousand Only) payable by the petitioners to each of the applicant in the original applications within a period of two weeks from the date of receipt of a copy of this order. Connected miscellaneous petitions are closed."

5. Though against the said order passed by the Division Bench, where only two weeks time was given to comply with the order passed by the Tribunal, since no steps had been taken by the Department to comply with the orders passed by the Tribunal as directed by this Court in the said judgment of the Division Bench dated 11.07.2013, the applicants have come up with this batch of Contempt Petitions.

6. In the meanwhile, before filing the said contempt petitions, the respondent Department filed a batch of Review Applications against the order passed by the Division Bench dated 11.07.2013.



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7. That is how these review applications as well as contempt petitions came to be filed and have been pending for consideration by this Court for all these years.

8. During the last hearing, when these matters were taken up for hearing by this Bench, it has been brought to our notice by the learned counsel appearing for the Department ie., Ordnance Depot, Avadi, Chennai that, during the pendency of the Review Applications and also Contempt Petitions, the respondent Department has come forward to comply with the order passed by the Central Administrative Tribunal Madras Bench dated 13.07.2012 and the order passed by the Division Bench of this Court dated 11.07.2013.

9. Since such a decision has been made by the respondent Department and proceedings to that effect had been issued by proceedings dated 28.03.2017 under which these applicants have been given appointment as Mazdoors, whether based on such order those Mazdoors joined in the job and have been working or not had to be ascertained and hence Mr.R.Singaravelan learned Senior Counsel appearing for the petitioners in the Contempt Petitions wanted a short accommodation.

10. At this juncture, when the cases are taken up for further hearing today, learned counsel for both sides have invited the attention of this Court on the averments made by the respondent Department ie., the Commandant, Ordnance



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Depot, Avadi, Chennai 600 055 in Paragraphs 3 and 4 of their affidavit dated April 2017. In Paragraphs 3 and 4 of the affidavit, the following has been stated by the respondents.

" 3. In compliance of Hon'ble High Court and Hon'ble CAT Madras Bench order dated 11 Jul 2013 and 13 Jul 2012 respectively, GOI, MoD has now finally accorded Sanction Letter No.A/24305/PMK/157/2011/OS-8C(ii)/66/C-D(O-II)/2017 dt 28 Mar 2017 (Copy encl) approving provisional appointment of indls impending the outcome of our review petition:-

(a) The notional appointment to be made w.e.f.13 September 2012

(b) Notional Seniority will be w.e.f. 13 September 2012

(c) The actual pay and allowances will be w.e.f. date of joining of the petitioners, though notional pay fixation will be w.e.f. 13 September 2012 without any arrears of pay on the basis of principle of 'No work No Payment'.

Further, administrative action is in progress for issue of necessary Appointment Orders to the respondents in WP Nos.18886 to 18895 of 2013 ie., Applicants in O.A.Nos.1281 to 1289 and 1304 of 2011. It may be noted that the provisional offer of appointment has already been issued to the indls, where they have been asked to report to the depot along with the mandatory docus for verification & onward issue of formal appointment orders without any further delay.



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4. Also, it is submitted that the Hon'ble Court have observed that in Para 2 of provisional offer of appointment order issued to the indls has been mentioned that **"THE POST IS PURELY TEMPORARY"**. It is submitted that as per existing Recruitment Rules in vogue, all initial appointment of an employee in any Central Government establishment will be on probationary basis for 2 years and during the period, performance and character assessment is carried out and accordingly the employee will be issued with permanent order on completion of the probationary period. As regards, with the 2nd relief it is submitted that the ocast of fine is Rs.10,000/- awarded to the 10 respondents in W.P.Nos.18886 to 18895 of 2013, a Statement of Case for obtaining Govt. sanction to accord allotment of funds under **"CHARGED EXPENDITURE"** has been progressed and the same will be complied with on release of funds."

11. Relying upon these averments made in Paragraphs 3 and 4 of the affidavit filed by the respondent Department and also after having ascertained that the applicants have joined in the post pursuant to the proceedings dated 28.03.2017, Mr.R.Singaravelan learned Senior Counsel for the applicants would submit that, though belatedly the orders of the Tribunal has been complied with as directed by the Division Bench of this Court and such an appointment since has been given with effect from 13.07.2012, of course on notional basis and seniority also would be counted from that date ie., 13.07.2012, the applicants are satisfied.

12. Since the respondent Department have accepted the order passed by the



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Tribunal as confirmed by the Division Bench as stated supra, even though filed a set of Review Applications, had come forward to implement the order by passing a proceedings dated 28.03.2017 by which appointments have been given to those applicants with notional seniority also with effect from 13.07.2012, we feel that no plausible reason is available to further entertain either the review applications or the contempt petitions.

13. Therefore, by recording the aforesaid development as has been quoted above ie., Paragraphs 3 and 4 of the affidavit of the respondent Department dated April 2017, we are inclined to dispose of the Review Applications and close the Contempt Petitions.

**(R.S.K.,J.) (K.B.,J.)
14.02.2024**

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KST



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To

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- 1.Lieutenant General Amit Sarin
The Director General of Ordinance
Service ((OS-SC), MGO's Branch
Integrated Head Quarters of MOD
(Army), New Delhi - 110 011.
- 2.Colonel Ajit Tomar, Commandant, Ordnance Depot IAF
Avadi, Chennai-55.
- 3.Lieutenant Colonel B.Bharat
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R.SURESH KUMAR, J.
and
K.KUMARESH BABU, J.

KST

**Contempt Petition Nos.2264 to
2272 of 2015 and Rev.Aplw.Nos.
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145, 146, 147 & 148 of 2013**

14.02.2024