



L.P.A.No.6 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

L.P.A.No.6 of 2024

A.Anbarasu, I.A.S.
Secretary to Government (Education)
Government of Puducherry
Secretariat
Puducherry 605 001.

.. Appellant

Vs.

1. D.C.Nathanieal
2. V.Panirselvam
3. C.Coumarane
4. M.Srinivasan
5. Durai Arokiaraj
6. S.Sankaran
7. M.Harikrishnan
8. V.Jayakumar
9. S.Rajendiran
- 10.R.Staline
- 11.K.Nandhagopal
- 12.M.Arivoukarasy
- 13.P.Chittibabu
- 14.A.Asokumar
- 15.A.Santharam
- 16.Y.Irudhayaraj
- 17.V.Venkadesan



L.P.A.No.6 of 2024

18.K.Suresh

19.D.Balamourougan

20.S.Abraham Lingan

21.D.Dhaksinamurthi

22.Aswin Kumar Varma

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 20.03.2024 made in Cont.P.No.479 of 2020.

For the Appellant : Mr.S.Ravee Kumar
Government Pleader (Puducherry)

For the Respondents : Mr.R.Nandhakumar

JUDGMENT

(Judgment of the Court was delivered by
the Hon'ble Acting Chief Justice)

Heard both sides and perused the materials placed before this court.

2. The appellant in this appeal is one A.Anbarasu, I.A.S., then Secretary to Government (Education), Government of Puducherry, Secretariat, Puducherry 605 001. He has preferred this appeal against the order dated 20.03.2024 passed by a learned Judge in Contempt Petition No.479 of 2020. For ease of reference, the order impugned herein is reproduced below:



L.P.A.No.6 of 2024

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"The respondent is present before this Court.

2. At request of the learned counsel appearing for the respondent, post on 01.04.2024 for filing an affidavit stating the reasons for the delay in complying the order of this Court dated 18.06.2019."

3. The necessary facts leading to the filing of this appeal would run thus:

3.1. The writ petitioners, who were working as Sports Coaches in various disciplines, filed W.P.No.16492 of 2018, seeking a direction to the authorities to regularise their services by absorbing them to regular post of coaches with relevant pay scale from the date of their initial appointment with all benefits.

3.2. The learned Judge, vide order dated 18.06.2019, disposed of the said writ petition with the following directions:

"(i) The third respondent is directed to consider and pass appropriate orders on the representations filed by the Association as well as individual petitioners with regard to the claim for regularization, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

(ii) The third respondent shall also take into consideration that any proposal for regularizing the petitioners as coaches in various sports disciplines is in place while passing orders as directed above. No costs."

3.3. In pursuance of the above order, the Government passed an order dated 08.10.2020, the operative portion of which reads as follows:

"NOW THEREFORE, in obedient compliance with the orders passed by the Hon'ble High Court of Madras in Writ Petition No.16492/2018 filed by Thiru V.L. (1) Dr. C. Nathaniel and 21 others...I have meticulously examined the



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L.P.A.No.6 of 2024

grievance of the petitioners and even though they were engaged on contractual basis and cannot claim regularization as a matter of right, action was initiated for redressal of the grievances, the same could not materialize due to ambiguity in the Agenda and resolution passed during the 17th and 18th General Body meeting of the Puducherry State Sports Council. Already a proposal is in place for rectifying the error. As and when COVID-19 situation as well as financial system improves, expedient steps will be taken for submitting a proposal for regularizing the petitioners in compliance with the rules governing such regularization, subject to their eligibility and approval by the Government."

3.4. Challenging the order dated 08.10.2020, the writ petitioners again filed a writ petition bearing SR.No.79501 of 2020. By order dated 08.12.2020, the said writ petition came to be dismissed at the SR stage itself with the following observations:

"5. These petitioners, without waiting for a final decision of the competent authority, has now chosen to file the present writ petition seeking to challenge the order passed by the 6th respondent on 08.10.2020 as if that order was a rejection of the request. But when the order is perused, it is found that the 6th respondent was facing some financial constraint coupled with the fact of prevailing Covid-19 situation, the immediate decision was not possible. However, the order says that expeditious steps will be taken for submitting the proposal for regularisation of the petitioners in compliance with the rules, subject to their eligibility and approval by the Government.

6. The above observation in the impugned order of the competent authority cannot be taken to be the rejection of the petitioners' request for regularisation. The 6th respondent has only expressed the inability to take a final decision in the present circumstances.

7. Therefore, this Court finds that the present writ petition is not only premature but also redundant as in their earlier writ petition, this Court directed the 6th respondent to take a decision and the decision is yet to crystallize into the final order.

8. Therefore, this Court finds that the Writ petition is premature and hence, the same is dismissed at the SR stage itself. However, while dismissing the Writ Petition, this Court makes it clear that in view of the fact that these writ petitioners have been working for very many years without the benefit of regular time scale or permanency to their position, it is just and fair that the 6th respondent shall take a decision at an early date towards the redressal of the long pending grievance of the petitioners. This Court trust that the 6th respondent and the competent authority would be in a position to take a final decision supportive of the petitioners grievance as expeditiously as possible atleast within a period of next three months. Consequently, W.M.P.No.21258 of



L.P.A.No.6 of 2024

2020 is also dismissed. No costs."

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3.5. While so, the contempt petition bearing No.479 of 2020 filed by the writ petitioners for the alleged non-compliance of the order dated 18.06.2019 passed in W.P.No.16492 of 2018, came up for hearing on 20.03.2024, on which date, the learned Judge directed the appellant herein to file an affidavit stating the reasons for the delay in complying with the order dated 18.06.2019. Aggrieved by the same, the appellant is before this court with the present Letters Patent Appeal.

4. Mr.S.Ravee Kumar, learned Government Pleader (Puducherry) appearing for the appellant submitted that the order of the learned Judge dated 18.06.2019 passed in W.P.No.16492 of 2018 was already complied with by the authorities by order dated 08.10.2020. Though the said order of the authorities was challenged by the writ petitioners by filing WP SR. No.79501 of 2020, the learned Judge, by order dated 08.12.2020, dismissed the said writ petition as it was premature, but granted three months time for taking a final decision by the appellant with regard to the claim of the writ petitioners. Even before the expiry of the said time limit granted by the learned Judge, the appellant was transferred to Lakshadweep and he was relieved from the Government of Puducherry on 13.01.2021. Hence, there is no contempt made out as against the appellant.



L.P.A.No.6 of 2024

However, the learned Judge directed the appellant to file an affidavit stating reasons for the alleged delay in complying with the order of the learned Judge in WP No. 16492 of 2018 and also insisted his personal appearance, by the order dated 20.03.2024 in Cont.Petn.No.479 of 2020 in WP No.16492 of 2018, which is impugned herein. Thus, according to the learned Government Pleader (Pondicherry), the continuation of the contempt proceedings against the appellant herein is an abuse of process of law and hence, the same is liable to be set aside.

5. On the other hand, the learned counsel for the respondents / writ petitioners submitted that the writ petitioners have not pressed this contempt petition as against the appellant herein and they have preferred a sub application to that effect.

6. Having regard to the admitted fact that the order dated 18.06.2019 passed by the learned Judge, arising out of which the present contempt proceedings initiated against the appellant, has already been complied with by the authorities; and that, even before the time limit granted by the learned Judge by order dated 08.12.2020 passed in the second writ petition, the appellant was transferred from the Government of Puducherry, and also in view of the above



L.P.A.No.6 of 2024

submission made by the learned counsel for the respondents / writ petitioners, this court is of the view that the contempt proceedings initiated against the appellant herein may not survive for consideration. Hence, the order impugned herein is set aside and this Letter Patent Appeal stands allowed. Consequently, connected miscellaneous petition is closed.

(R.M.D., ACJ.)
06.06.2024

(M.S.Q., J.)

Index : Yes/No
Neutral Citation : Yes/No

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L.P.A.No.6 of 2024

R.MAHADEVAN, ACJ,
AND
MOHAMMED SHAFFIQ,J.

kpl / rns

L.P.A.No.6 of 2024

06.06.2024