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Cont.P.No.2569 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Contempt Petition No.2569 of 2023
in W.P.No.30825 of 2013

M.Ganesan

... Petitioner

Vs.

1.P.Amudha, I.A.S,
The State of Tamil Ndu,
Represented by the Secretary to Government,
Home Department, Secretariat,
Chennai – 600 009.

2.Shankar Jiwal, I.P.S,
The Director General of Police,
Kamarajar Salai,
Chennai – 600 004.

3.Sandeep Rai Rathore, I.P.S,
The Commissioner of Police,
Egmore, Chennai – 600 007.

4.J.Loganathan, I.P.S,
The Additional Commissioner of Police (H Qrs),
Greater Chennai Police,
Chennai – 8

Respondents

...

Contempt Petition filed under Section 11 of Contempt Act, praying to

Page No.1 of 7



Cont.P.No.2569 of 2023

initiate contempt proceedings against the respondents and punish them for not obeying the order of this Court dated 25.07.2022 made in W.P.No.30825 of 2013.

For Petitioner : Mr.G.Thiyagarajan
For Respondents : Mr.P.Kumaresan,
Additional Advocate General
Assisted by,
Mr.M.Murali,
Government Advocate

ORDER

Learned counsel for the petitioner submitted that this Court has passed an order dated 25.07.2022 in W.P.No.30825 of 2013, however, the same was not complied by the respondents. Hence, the petitioner has come forward with the present contempt petition.

2. When the matter was taken up for hearing today i.e., on 13.02.2024, learned Additional Advocate General appearing for the respondents has filed a status report on behalf of the respondents dated 13.02.2024, wherein, it is stated that in the order passed by this Court on 25.07.2022 in W.P.No.30825 of 2013, there was no specific direction in connection to the temporary status



of Sub-Inspector of Police from 22.09.2008 to 22.05.2017. There were total 7 police personnel involved in this case, out of which, 4 were already retired from the service in the rank of Sub-Inspector of Police and remaining 3 petitioners are presently serving in the department in the rank of Sub-Inspector of Police viz., M.Ganesan (petitioner herein), C.Ravichandran and D.S.Babu.

3. Learned Additional Advocate General appearing for the respondents further submitted that approximately more 220 Temporary Sub-Inspector of Police were serving in Chennai City and the details of the names of the said Police were enclosed along with the status report. It is further submitted that some of the temporary Sub-Inspectors were retired and remaining Temporary Sub-Inspectors are now serving in the department in the rank of Sub-Inspector of Police. Similarly, there are many Temporary Sub-Inspector of Police serving in all over the state of Tamil Nadu. If the service of the petitioner for the period from 22.09.2008 to 22.05.2017 is regularized, he will be placed above his seniors in service and the petitioner will get the promotions of Inspector of Police and Deputy Superintendent of Police. As a result, the seniors to the petitioners would approach this Court, by



Cont.P.No.2569 of 2023

challenging the seniority of the petitioner.

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4. It is further submitted that the pay scale of the Temporary Sub-Inspector/Special Sub-Inspector of Police/Sub-Inspector are same scale with same monetary effect and it was extended to the petitioner. As assured by the learned Additional Advocate General appearing for the respondents, while passing the order in the above said writ petition, pay protection was also given to the petitioner with effect from Temporary Sub-Inspector of Police and pension will also be calculated taking into account of the last pay drawn of the petitioner.

5. Heard the learned counsel on either side and perused the materials available on record.

6. It is true that this Court while passing the order in the subject matter writ petition in W.P.No.30825 of 2013 on 25.07.2022, there was no direction given to regularize the service of the petitioners who served as Temporary Sub-Inspector of Police from 22.09.2008 to 25.07.2017. Further, this Court,

Page No.4 of 7



Cont.P.No.2569 of 2023

while hearing the contempt petition directed the learned Additional Advocate General to ascertain or verify from the respondents whether, the service of the petitioner and other two persons, who were served as Temporary Sub-Inspector of Police can be regularized since, the pay scale of the Temporary Sub-Inspector and the Sub-Inspector Police are same scale with same monetary effect.

7. In response to the above direction, the respondents have filed the status report, which has been stated supra mentioning the reasons, difficulties and the implications not only in the Chennai City but also all over the state, if the service of the petitioner as Temporary Sub-Inspector of Police with effect from 22.09.2008 to 22.05.2017 is regularized.

8. In view of the above, there is no willful disobedience of the order passed by this Court in W.P.No.30825 of 2013 dated 25.07.2022. Hence, this Contempt Petition stands dismissed.

13.02.2024 vm

Index : Yes/No
Speaking Order : Yes/No

Page No.5 of 7



Cont.P.No.2569 of 2023

Neutral Citation : Yes/No

WEB COPY

J.SATHYA NARAYANA PRASAD,J.

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Cont.P.No.2569 of 2023

Page No.6 of 7



WEB COPY



Cont.P.No.2569 of 2023

13.02.2024