



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

**CORAM:
THE HONOURABLE MS.JUSTICE R.N.MANJULA**

Cont.P.No.3056 of 2024

A.Shanmugam

[Assistant Commissioner/

Now Deputy Commissioner [CT Retd]

Narayana Illam,

No.45, R.O.B. Main Raod,

Halls Gardens, Whites Road,

Royapettah

Chennai 600 014.

....

Petitioner

Vs.

1) D.Jagannathan

The Principal Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai 600 009.

2)D.Jagannathan,

The Commissioner of Commercial Taxes,
Chepauk, Chennai 600 005. ...

Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act 1971, praying to punish the respondents for wilful disobedience of the orders passed in W.P.No.7428 of 2011 dated 08.03.2024.



Cont.P.No.3056 of 2024

WEB COPY

For Petitioner : Mr.D.Vijayakumar

For Respondents : Mr.Harsharaj, AGP
for M/S.K.Vasanthamala, G.A. (taxes)

ORDER

When the matter is taken up today for hearing, Mr.Harsharaj, learned Additional Government Pleader for the respondents submitted that there are still litigations pending before the Hon'ble Supreme Court and hence the request of the petitioner cannot be considered positively without knowing the outcome of those proceedings pending before the Hon'ble Supreme Court.

2. From the typeset of judgements supplied by the learned counsel for the respondents, it appears that there are certain principles laid down to prepare the *inter-se* seniority and at least one order has been passed on 31.08.2016 by giving almost a quietus. Taking into consideration the orders passed by the Hon'ble Supreme Court dated 10.02.1999 in Civil Appeal No.1454/1987 which confirmed the judgement of this Court in W.P.No.12786/1985 dated 19.06.1986, based on the list produced. Thereafter an order dated 20.10.2008 has been passed in the contempt petition (C).No.263/2007 in C.A.No.1454/1987.



Cont.P.No.3056 of 2024

WEB COPY

3. In the said order dated 20.10.2008 a direction has been given to the State Government to publish a fresh seniority list in terms of the direction given in Civil Appeal No.1454/1987 dated 10.02.1999. Even though the learned counsel for the respondents submitted that the order has already been complied with and the list has been published on 04.05.2009, the said list was also challenged in WP.No.11618/2009 batch., and in which orders came to be passed on 06.04.2011 by dismissing the writ petition. The appeals filed before the Division Bench challenging the above order also dismissed on 31.08.2016 and 28.07.2016 respectively.

4. However, the appeal is said to be pending before the Hon'ble Supreme Court in SLP C.A.Nos.29486/2019 and 8087/2020 along with connected matters. Even though the subsequent division bench has passed an order on 05.11.2020 by giving liberty to the State government to prepare a provisional seniority list by reckoning only permanent posts in accordance with the general and special rules applicable by adopting four principles adopted by the Division Bench of this Court and affirmed by the Hon'ble Supreme Court in its order dated 10.02.1999 in C.A.No.1454/1987, the subsequent Division Bench of this court has passed an order on 20.11.2023 in WA.No.1100/2023 by reaffirming



Cont.P.No.3056 of 2024

the validity of the order dated 28.07.2016 and 31.08.2016 made in
W.A.Nos.2527/2012 and 2280/2011, respectively.

5. As on today, the seniority list has already been published in terms of the order of the Hon'ble Supreme Court dated 20.10.2008, which has been referred in the orders of the Division Bench dated 31.08.2016 remains unaltered or subject to the outcome of the SLPs that have been filed against these orders. It is up to the respondents either to consider the representation of the petitioner in terms of the order dated 31.08.2016 however subject to the outcome of the alleged SLP pending, challenging the above order or to expedite the pending SLPs and then pass appropriate orders.

6. With these observations, this contempt petition is **closed**. There shall be no order as to costs.

03.12.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

jrs



Cont.P.No.3056 of 2024

WEB COPY

To

1) D.Jagannathan
The Principal Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai 600 009.

2)D.Jagannathan,
The Commissioner of Commercial Taxes,
Chepauk, Chennai 600 005.



WEB COPY



Cont.P.No.3056 of 2024

R.N.MANJULA, J.

jrs

Cont.P.No.3056 of 2024

03.12.2024