



Cont.P.No.138 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

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S.Vijayakumar
License Inspector,
Greater Chennai Corporation,
Zone-IX, Lake Area, Teynampet, Chennai - 34.

... Petitioner

Vs.

Dr.J.Radhakrishnan,
The Commissioner,
Greater Chennai Corporation,
Chennai 600 003.

... Respondent

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondent for willful disobedience and flouting the Orders of this Hon'ble Court dated 14.08.2020 in W.P.No.29015 of 2012.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mr.Ramanlal
Additional Advocate General
assisted by
Mr.G.T.Subramanian
Standing Counsel



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ORDER

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This contempt petition has been filed alleging violation of the order dated 14.08.2020 passed in W.P.No.29015 of 2012. The said writ petition was filed seeking a writ of certiorarified mandamus to quash the panel for promotion to the post of Assessor for the year 2012-13 prepared by the respondents. The said writ petition was allowed by this Court holding that the petitioner is eligible for promotion to the post of Assessor, but his juniors were promoted ignoring the claim of the petitioner. The relevant paragraph from the said order dated 14.08.2020 is as under:

"18. Eligibility for promotion to the post of Assessor from the post of License Inspector is a Pass in Accounts Test 1 & 2 and a pass in District Office Manual. It is stated that the petitioner has passed all the above tests, he is eligible to be included in the panel. However it is submitted that during the pendency of the Writ Petition many of his juniors were promoted as Assessors and further. Therefore, a direction is issued to the second respondent to promote the writ petitioner on par with his immediate junior from the date on which he was so promoted with all service and monetary benefits within a period of 2 months from the date of receipt of the order."

2. Alleging violation of the said order dated 14.08.2020 this contempt petition has been filed. During the course of the hearing learned counsel for the respondent filed a status report stating that the case of the petitioner was considered in terms of the order passed by this Court. The respondent issued



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proceedings in பொ.து.செ.மு.எண்.இ5/18259/2020 dated 19.05.2023 notionally promoting the petitioner from the date on which his junior was promoted to the post of Assessor. The same is not in dispute.

3. However, learned counsel for the petitioner Thiru. L.Chandrakumar contended that the direction that was issued by this Court is to promote the petitioner on par with his junior but not confined to the post of Assessor alone. According to the learned counsel for the petitioner, the petitioner is entitled for award of promotion on par with his junior not only for the post of Assessor but for further promotions also.

4. Though this Court also initially felt that the case of the petitioner is required to be considered for promotion and further promotion on par with his junior, but after going through the order dated 14.08.2020 passed in W.P.No.29015 of 2012 has come to the conclusion that the scope and ambit of the order dated 14.08.2020 is only for promotion to the post of Assessor but not beyond. Therefore, this Court while dealing with the contempt petition cannot enlarge the scope of the order passed in the writ petition and in the considered view of this court the respondent has already complied with the order passed by this Court though belatedly. Hence, this Court is not inclined to continue the



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contempt proceedings any further. Accordingly, the contempt petition is closed.

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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MUMMINENI SUDHEER KUMAR, J.

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