



Contempt Petition No.343 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR
and
THE HON'BLE MR.JUSTICE K.KUMARESH BABU
Contempt Petition No.343 of 2024

S.Ramalingam

... Petitioner

-Vs-

1.Thiru.R.Devaraj
The Secretary, TNEB
144, Anna Salai, Chennai 600 002.

2.Mrs.Mozhiarasi
Chief Engineer / Personnel
TNEB, Anna Salai, Chennai.

... Respondents

Prayer : Contempt Petition under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for wilful disobedience of the order passed by this Hon'ble Court in W.A.No.1571/2012 dated 22.06.2015.

For Petitioner	: Mr.S.N.Ravichandran
For Respondents	: Mr.K.Rajkumar Standing Counsel

ORDER

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

This Contempt Petition has been filed for the alleged disobedience of the orders of this Court in W.A.No.1571/2012 etc., batch dated 22.06.2015.



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2. The validity of Board Proceedings (B.P) No.17 was under challenge before the writ Court, which was declared to be a bad one and was set aside, as against which when appeals were filed, the Division Bench by order dated 26.02.2015 reversed the findings given by the writ Court by giving reasons that even though several Board Proceedings in the meanwhile had been issued, insofar as B.P.No.17 dated 05.07.2003 is concerned, that has been issued to make certain amendments to the Service Regulations and therefore it cannot be declared to be an invalid one. However, it is to be noted that in the meanwhile, several persons had been given promotion either by the orders of this Court or by administrative orders without reference to the prescription contained in the amendment issued under B.P.No.17 dated 05.07.2003.

3. Considering the promotions already given to those people, dehors of the amendment made under B.P.No.17, the Division Bench had stated that those promotions need not be upset at this length of time. Therefore, further direction was given by the Division Bench in the order dated 26.02.2015 that some more persons are left and they also be considered for such promotion dehors of B.P.No.17 dated 05.07.2003 by making relaxation of the Rules by exercising such power by the TANGEDCO.



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4. Though this order has been passed on 26.02.2015, thereafter much water had flown as several promotions might have been given or might have been denied. Insofar as the present petitioner is concerned, it is an admitted case that there was currency of punishment against him. Therefore, after completion of the same, in 2018 he had been given promotion.

5. However, he came out with this contempt petition saying that in the year 2018 itself instead of giving promotion dehorse of B.P.No.17, he was promoted following such Board Proceedings No.17, which is a violation.

6. If at all any such promotion has been given in the year 2018 for any other reason, by which he was affected, he could have agitated the issue in the manner known to law. However, after several years he is not entitled to seek for relief from this Court under Contempt jurisdiction by triggering the law. The present contempt petition is not only beyond limitation but also without any plausible reason.

7. Since the Hon'ble Supreme Court has repeatedly held that only if the Court finds that there is a wilful disobedience on the part of the alleged contemnor of any orders passed by the Court, the Court would normally entertain such contempt petition to punish such authority under the jurisdiction of Contempt of Courts Act.



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8. When that being the position, we do not feel there is any such reason to entertain this Contempt Petition against the orders passed by this Court in W.A.No.1571/2012 etc., batch dated 22.06.2015 passed by the Division Bench. Therefore, this Contempt Petition is liable to be rejected. Accordingly, it is rejected and closed.

(R.S.K.,J.) (K.B.,J.)
21.02.2024

Index : Yes/No
KST

To

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