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Cont.P.No.3079 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE K.KUMARESH BABU

Contempt Petition No.3079 of 2023

1.M.Elangovan
2.S.Subbiah

... Petitioners

Vs.

1.Tmt.P.Amutha, IAS,
Secretary to Government,
Home (Police-XVII) Department,
Fort St. George, Chennai – 600 009.

2.Thiru.Abhash Kumar, IPS,
The Chairman/Director,
State Recruitment and Promotion Board,
Directorate of Fire and Rescue Services,
Egmore, Chennai – 600 008.

3.Thiru.Abhash Kumar, IPS,
Director of Fire and Rescue Services,
O/o.the Directorate of Fire and Rescue Services,
Emgore, Chennai – 600 008.

... Respondents

Prayer : Petition filed under Section 11 of the Contempt of Courts Act,
praying to punish the respondents for wilfully disobeying the orders
passed in the Writ Appeal in W.A.No.448 of 2020 dated 17.07.2023.



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For Petitioners : Mr.G.Sankaran
Senior Counsel
for Mr.S.Nedunchezhiyan
For Respondents : Mr.Haja Nazirudeen
Additional Advocate General
assisted by Mr.M.Bindran
Additional Government Pleader

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 dated 17.07.2023 made in W.A.No.448 of 2020.

2. When this matter came up for hearing lastly on 14.02.2024, after hearing the learned counsel appearing for the petitioners as well as the learned Additional Advocate General appearing for the respondents we had passed an order directing the respondents to comply the orders of this Court and to file a report to that effect.

3. Today when the case is taken up for hearing Mr.Haja Nazirudeen, learned Additional Advocate General appearing for the respondents has submitted that, the orders of this Court has been



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complied with. In support of his contention, he has filed the compliance report of Director of Fire and Rescue Services, Government of Tamil Nadu and also the promotion order issued in Proceedings R.C.No.16884/B1/2023 dated 13.03.2024.

4. In the said order dated 13.03.2024, the following has been stated.

“ORDERS:

12) For the reasons stated above, the Special Station Officers / Leading Firemen listed in the Annexure attached to this proceedings are promoted as Station Officers on a temporary basis under section 47(1) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and posted to the Fire and Rescues Servants Stations mentioned against their names.

13) The above orders come into force from with immediate effect.

14) The District Officers / Deputy Directors / Joint Directors are directed to relieve the Special Station Officers / Leading Fireman concerned to join in the new post immediately without any delay.

15) The relieving and joining reports should be sent then and there.

*DGP / Director,
Fire and Rescue Services,
Tamil Nadu”*



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5. This has been mentioned in the compliance report of the Director. Relying upon these communications and orders as well as the report, the learned Additional Advocate General would contend that, pursuant to the direction issued by the Director in the order referred to above, based on the combined seniority having been prepared already promotions had been given for the post of Station Officers from the feeder category Leading Firemen under Section 47(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Therefore, the grievance of the petitioners have been complied with as per the direction of this Court made in the writ appeal order.

6. Mr.G.Sankaran, learned Senior Counsel appearing for the petitioners though has accepted the compliance made by the respondents mainly insofar as the direction given by this Court in the writ appeal order has submitted that, still some grievances are there, which are, of course offshoot to the main issue, where, though there has been no specific direction in the order of the Division Bench, some orders were passed by the Writ Court in other connected writ petitions, therefore to that extent those issues also can be redressed.



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7. Insofar as the said grievances of the petitioners if any, as projected by the learned Senior Counsel appearing for the petitioners, are concerned, it is open to the petitioners to agitate those issues which may be offshoot of the main issue or otherwise in the manner known to law. However, directions given in our order dated 17.07.2023 is concerned, those directions since have been complied with by the Government as recorded herein above, we do feel that, no further persuasive action is required in this contempt petition. Accordingly, this Contempt Petition is closed.

[R.S.K., J.] [K.B., J.]
20.03.2024

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

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and
K.KUMARESH BABU, J.

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