



Cont.P.(MD) No.90 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cont.P.(MD) No.90 of 2024

in

W.P.(MD) No.4121 of 2018

N.Arumugam

.. Petitioner/Writ Petitioner

-vs-

1.D.Karthikeyan,

The Secretary to the Government of Tamilnadu,
Municipal Administration and Water Supply Department,
Fort.St.George,
Chennai 600 009.

2.Madhubalan,

The Commissioner,
Municipal Corporation,
Madurai.

.. Contemnors/Respondents

Prayer: Petition filed Section 11 of the Contempt of Courts Act, 1971 to punish the Contemnors / Respondents herein for the willful, wanton and utter disregard to the orders passed by this Court in W.P.(MD) No.4121 of 2018, dated 13.02.2023 under the Contempt of Courts Act.



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For Petitioner : Mr.S.Ramsundarvijayraj

For R1 : Mr.M.Senthil Ayyanar,
Government Advocate.

For R2 : Mr.S.Vinayak

ORDER

This Contempt Petition has been filed to punish the Contemnors / Respondents herein for the willful, wanton and utter disregard to the orders passed by this Court in W.P.(MD) No.4121 of 2018, dated 13.02.2023 under the Contempt of Courts Act.

2. The petitioner was appointed as an Office Assistant in the year 1990. Even after completion of more than 20 years of service, his promotional avenue was not open. Earlier, he was granted the promotion as a Tax Collector. However, subsequently, the second respondent has passed the order reverting the petitioner from the post of Tax Collector to the post of Office Assistant vide order, dated 12.02.2018. Challenging the same, the



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petitioner filed a Writ Petition in W.P.(MD)No.4121 of 2018 before this Court and this Court by its order, dated 13.02.2023, without interfering with the order impugned in the Writ Petition, has directed the respondents to give eligible promotion to the petitioner, considering the length of service rendered by him within a period of six weeks therefrom. Aggrieved over the same, the respondents filed a Writ Appeal before this Court in W.A(MD) No.309 and 310 of 2024 and the Division Bench of this Court modified the order of the Writ Court, has directed the second respondent therein to give promotion to the Petitioner, if he is otherwise eligible, by considering the recommendation submitted by the appellant therein, pursuant to which, the Government has rejected the request vide order, dated 19.03.2024. However, this Court issued direction that when there is no promotional avenue for the particular post, whether the selection grade or special grade can be granted on the ground that the petitioner is stagnated with the original post, pursuant to which, the order was passed on 26.03.2024 for granting selection grade and special grade including the bonus.



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3. In view of the above, there is no willful disobedience of the order passed by this Court in W.P(MD) No.4121 of 2018, dated 13.02.2023. Hence, this Contempt Petition is closed.

28.03.2024

Internet: Yes/No

Index: Yes/No

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To

1.The Secretary to the Government of Tamilnadu,
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2.The Commissioner,
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M.DHANDAPANI, J.

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