



CONT.P.(MD)No.955 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P.(MD)No.955 of 2024

in

W.P.(MD)No.10710 of 2020

G.Raghavalu

... Petitioner

Vs.

1.Emil Richard Singh,
Senior Manager (HR-NEE),
Bharat Heavy Electricals Limited,
Tiruchirappalli – 620 014.

2.K. Gautham,
Additional General Manager,
Human Resource,
Bharath Heavy Electricals Limited,
Tiruchirappalli – 620 014.

... Respondents

Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, to punish the contemnors/respondents for the deliberate and willful disobedience of the order dated 28.03.2023 of this Court made in W.P.(MD). No.10710 of 2020.



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For Petitioner : Mr.M.E.Ilango

For Respondents : Mr.A.V.Arun

ORDER

Heard the learned counsel on either side.

2.The petitioner herein filed W.P.(MD)No.10710 of 2020 seeking notional promotion as Chief Technician with effect from December 2013 and as Senior Chief Technician with effect from December 2016 and for consequential benefits. The writ petition was allowed by me in the following terms:

"The respondents are directed to re-visit the issue. The respondents will communicate to the petitioner the entries made regarding his performance appraisal for the three preceding years before December 2013. This shall be done by the Management within a period of five weeks from the date of receipt of a copy of this order. The petitioner is entitled to respond. Thereafter, a special DPC will be convened again and decision regarding the petitioner's case for promotion as a Chief Technician with effect from December 2013 will be considered.



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The petitioner's case for further promotion will of course depend on the outcome of the Special DPC."

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3.It is seen that after the disposal of the writ petition, on 10.07.2023, the petitioner was furnished with copies with copies of performance appraisal report for the three financial years preceding 2013. The petitioner also offered his response. A fresh DPC was convened in July 2024. Though enhanced marks were given, the petitioner still could not make it to the zone of consideration.

4.The learned counsel for the petitioner was at pains to point out that records have been manipulated so as to deny the benefit of promotion to the petitioner.

5.Contentious issues have been raised. Those issues cannot be gone into in contempt proceedings. I grant liberty to the petitioner to file a writ petition on the same cause of action.



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6.With the aforesaid liberty to the petitioner, this contempt
petition is closed.

03.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.Emil Richard Singh,
Senior Manager (HR-NEE),
Bharat Heavy Electricals Limited,
Tiruchirappalli – 620 014.
- 2.K. Gautham,
Additional General Manager,
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G.R.SWAMINATHAN, J.

ias

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in
W.P.(MD)No.10710 of 2020

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