



WEB COPY

CONT P Nos. 1162, 1184 and 1185 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

CONT P Nos. 1162, 1184 and 1185 of 2025

V.Vinayabharathi,
D/o. Vikramathithyan,
No. 59/74, Ambedkar Nagar,
Sevilimedu,
Kancheepuram - 631 502.

Petitioner(s) in Cont.P.1162 of 2025

S.Vinothkumar,
S/o.R.Selvakumar,
No.37 D Karpagam Avenue,
Velingaipattari,
Orikkai,
Kancheepuram 631 502

Petitioner(s) in Cont.P.1184 of 2025

P.Agilan,
S/o.Late V. Pargunan,
No.75, Sappai Street,
Damal Village,
Kancheepuram 631 551

Petitioner(s) in Cont.P.1185 of 2025

Vs



1. Mr. C.Samayamoorthy, I.A.S.,
Secretary,

Human Resources Management (U)

Department,

Formerly Personnel and Administrative

Reforms Department,

Secretariat, Fort St. George, Chennai-9,

State of Tamil Nadu.

2. Mr.S.Gopala Sundara Raj, I.A.S.,

Secretary,

The Tamil Nadu Public Service

Commission,

Frazer Bridge Road,

Chennai 3.

Contemnor(s) in all the
petitions

COMMON PRAYER

To punish the Respondents for their wilful and wanton disobedience to the orders of this Hon'ble Court passed in WP.No.24351 of 2019, 24354 of 2019 and 24599 of 2019 dated 05.02.2021.

For Contemnor(s): M/s.G.Sridevi

For Respondents:

for R1

Mr.P.Kumaresan,
assisted by Mrs.Anitha

for R2

Mrs.G.Hema



COMMON ORDER

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2. While allowing the said Writ Petitions by quashing the impugned order therein, this Court directed the respondents to pass appropriate orders afresh on the basis of the observations made in the said order by revisiting the appointment of the petitioners. The respondents are directed to pass appropriate orders after due examination and appreciation of the case of the petitioners, within a period of six weeks. While issuing such directions, this Court made it clear that in case the petitioners are found to be satisfying the Rule position, their appointments to the Secretariat Service in the respective Departments must be restored with all consequential and attendant benefits.

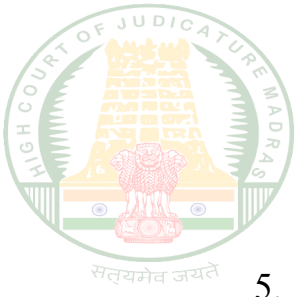
3. It is brought to the notice of the Court that against the order dated 05.02.202 of the learned Single Judge, the Tamil Nadu Public Service Commission had preferred Writ Appeal in W.A.No.1405 of 2021 etc. batch of



cases. The said Writ Appeal was disposed of by judgment dated 07.06.2024

confirming the order of the learned Single Judge. Thereafter, the first respondent issued order in G.O.(D).No.178, Human Resources Management (U2) Department, dated 02.12.2024, wherein it is informed that the request of the petitioners cannot be granted and the said order is communicated to the petitioners. Complaining that the order dated 02.12.2024 passed by the first respondent is contrary to the order passed by the Writ Court, the present Contempt Petitions have been filed.

4. On behalf of the respondents counter affidavits have been filed. Basing on the counter affidavits, the learned counsel appearing for the respondent No.1 submits that by issuing G.O.(D).No.178, dated 02.12.2024, the first respondent complied with the order of the Court. The learned counsel further submits that if the petitioners have any grievance against the decision of the Government, they can challenge the same by filing appropriate applications.



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5. Having heard the submissions of the respective counsels and upon careful perusal of the materials available on record, it appears that in the writ order the respondents were directed to pass fresh orders if the petitioners are found to be satisfying the Rule position for their appointment to the Secretariat Service. But the stand of the Government is that only Junior Assistants/Assistants working in the Tamil Nadu Ministerial Service/Tamil Nadu Judicial Ministerial Service can apply to the post of Assistant in Secretariat Service for appointment and the Tamil Nadu Municipal General Service Rules, 1970 have neither been classified under the State Service nor under the Subordinate Service. Therefore, the Junior Assistant post of Municipal General Service will not fall under the Tamil Nadu Ministerial Service. As such, the order passed by the first respondent in not considering the request of the petitioners, is in terms of the writ order. If the petitioners are having any grievance about the said order, it is open to them to challenge the same before appropriate Forum if so advised.



6. With the above observations, this Court is of the considered view that

there is no contempt on the part of the respondents. Accordingly, these

Contempt Petitions are closed.

26-06-2025

pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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BATTU DEVANAND J.

pvs

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