



CONT.P(MD)No.1571 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.1571 of 2025
in
W.P.(MD) No.10638 of 2016

K.Perumalswamy,
Superintendent,
Police Recruits School,
Madurai,
Madurai District.

... Petitioner

vs.

Shankar Jiwal I.P.S.,
The Director General of Police,
Mylapore,
Chennai-4.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to initiate contempt proceedings under Section 11 of the Contempt of Courts Act, 1971, against the Contemnor/respondent herein for his willful disobedience to the order passed by this Court in W.P.(MD).No. 10638 of 2016, dated 06.09.2021.



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For Petitioner :Mr.A.Nawazkhan
for M/S.Ajmal Associates

For Respondents :Mr.R.Bhaskaran,
Additional Advocate Gneral assisted by
Mr.F.Deepak,
Special Government Pleader

ORDER

This Contempt Petition has been filed to punish the contemnor/respondent for wilfully disobeying and not complying with the order of this Court passed in W.P(MD) No.10638 of 2016, dated 06.09.2021.

2.Heard Mr.A.Nawazkhan, for M/S.Ajmal Associates, learned counsel for the petitioner and Mr.R.Bhaskaran, learned Additional Advocate General assisted by Mr.F.Deepak, learned Special Government Pleader for the respondent, who accepts notice on behalf of the Respondent. Therefore, no further notice is required to be issued to the Respondent.



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3.This Court vide order dated 21.07.2025, passed the following

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order:

Heard Mr.V.Karthick Raja for M/S.Ajmal Associates learned counsel for the petitioner and Mr.R.Bhaskaran, learned Additional Advocate General assisted by Mr.F.Deepak, learned Special Government Pleader for the respondent.

2.The present Contempt Petition has been filed to punish the respondent/contemnor for non compliance of the judgment and order passed by the Hon'ble Writ Court in W.P.(MD) No. 10638 of 2016 dated 06.09.2021.

3.This Court, vide order, dated 26.06.2025, had passed the following order:-

“Heard Mr.V.Karthik Raja, learned counsel for M/s.Ajmal Associates, appearing for the Petitioner, Mr.R.Baskaran, learned Additional Advocate General, assisted by, Mr.F.Deepak, learned Special Government Pleader accepts notice on behalf of the Respondent. Therefore, no further notice is required to be issued to the Respondent.

2.This Contempt Petition has been filed for non compliance of the judgment and order dated 06.09.2021 passed in W.P. (MD)No.10638 of 2016 and the learned Single Judge of this Court allowed the said Writ Petitions in the following terms:

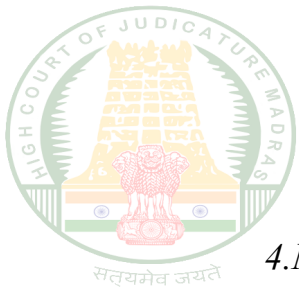
“8.Accordingly, the Writ Petition is allowed and the impugned



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order passed by the first respondent, dated 14.08.2012 and the consequential order passed by the first respondent, dated 06.05.2016 are quashed. The first respondent is directed to refix the inter-se seniority in the “C” list of Junior Assistant fit for promotion to the Assistant for the panel year 1992-1993 above the third respondent and to consider his promotion by passing appropriate orders within the period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.”

3. The learned counsel for the Petitioner submits that against the judgment and order passed by the Writ Court dated 06.09.2021 in W.P. (MD)No.10638 of 2016, the Respondents have preferred Writ Appeal bearing W.A. (MD)No.883 of 2013 which was dismissed by the Division Bench of this Court vide judgment and order dated 23.06.2023 and against the judgment and order dated 23.06.2023, the Respondents have preferred SLP (Civil) Diary No.55983 of 2024 which was also dismissed on the ground of delay and laches, on 02.01.2025. The copy of the Appellate Court order finds place at page no.31 of the paper book and the copy of the SLP decision finds place at page no.36 of the paper book. Thus, the learned counsel for the Petitioner submits that the Respondent has not complied with the judgment and order of the Writ Court, Appellate Court as well as the Apex Court and they have wilfully and deliberately flouting the orders passed by this Court.

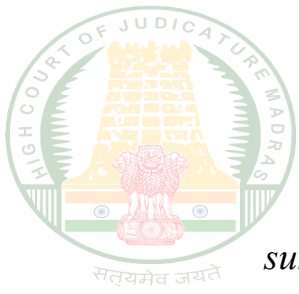


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4.Mr.R.Baskaran, learned Additional Advocate General, assisted by Mr. F. Deepak, learned Special Government Pleader, submits that though the aforementioned Writ Appeal and the SLP have been dismissed, a Review Application bearing Diary No. 34311 of 2025 has been filed by the respondents on 25.06.2025 to review the judgment and order of the Hon'ble Apex Court dated 02.01.2025.

5.When this Court posed the question to the learned Additional Advocate General regarding whether any interim order had been passed by the Hon'ble Supreme Court in the Review Application, he submits that no interim order has been passed in the Review Application and it has only been numbered.

6.Mr.V.Karthik Raja, learned counsel for the Petitioner submits that this is a ploy adopted by the Respondents to frustrate the contempt proceedings and evade compliance with the judgment and order passed by the Writ Court dated 06.09.2021 in W.P. (MD)No.10638 of 2016. He submits that the Respondents cannot get any indulgence or sympathy from this Court since no interim order has been passed in the Review Application. The Respondents are simply taking the plea that the Review Application is filed to frustrate the purpose of the contempt proceedings. The learned counsel therefore submits that the Respondent's failure to comply with the directions of the Writ Court amounts to wilful and deliberate disobedience, and the Respondent is in contempt. He requests that he may be

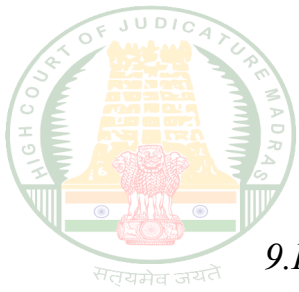


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summoned before this Court and punished for committing contempt under Sections 11 and 12 of the Contempt of Courts Act, 1971.

7.This Court, after hearing the submissions made by the learned counsel for the parties, and after perusing the judgment and order passed by the Writ Court dated 06.09.2021 in W.P. (MD)No.10638 of 2016 as well as the Appellate Court dated 23.06.2023 in W.A.(MD)No.883 of 2023 and the Apex Court dated 02.01.2025 in SLP (Civil) Diary No.55983 of 2024 and the submissions made by learned Additional Advocate General that Review Application has been filed in Diary No.34311 of 2025 on 25.06.2025, is of the view that mere filing of a Review Application does not confer any benefit upon the Respondents, as no interim order was passed in the Review Application. It appears that the application was filed solely as a ploy to frustrate the judgment passed by both the Writ Court and the Appellate Court, as the Review Application, filed on 25.06.2025, with delay.

8.At this juncture, Mr.R.Baskaran, the learned Additional Advocate General, requests time to ensure compliance with the judgment and order of the Writ Court dated 06.09.2021, in W.P. (MD)No.10638 of 2016. He also assures this Court that whatever order is passed by this Court will be fully complied with and requests two weeks time to pursue the Review Application.

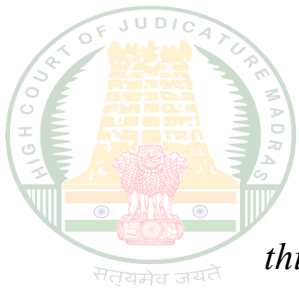


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9. In view of the assurance made by the learned Additional Advocate General, this Court grants the respondent a final opportunity to pursue the said Review Application within a period of two weeks from today. If no order is passed in the Review Application and order of the Writ Court is not complied with, this Court will proceed to initiate contempt proceedings against the Respondent for noncompliance with the judgment and order of the Writ Court dated 06.09.2021, in W.P. (MD)No. 10638 of 2016. In the event the judgment and order of the Writ Court is complied with, the Respondent is directed to communicate their decision to the Petitioner and file an affidavit of compliance on the next date fixed. If decision is taken in the Review Application, the Respondent is directed to communicate the same before this Court on or before the next date fixed by way of filing an affidavit.

10. Put up this case on 21.07.2025 "For Further Orders" before this Court."

4. Mr. R. Bhaskaran, learned Additional Advocate General assisted by Mr. F. Deepak, learned Special Government Pleader for the respondent, who accepted notice on behalf of the respondent, submits that in compliance of the order, dated 06.09.2021, a fresh order will be passed by the respondent on or before the next date fixed and the same shall also be communicated by way of personal affidavit before this Court. In



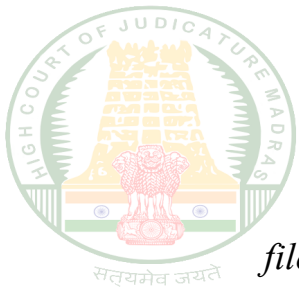
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this regard, he prays this Court that a last opportunity may be given to the respondent to make full compliance of the judgment and order dated 06.09.2021, 23.06.2023 and 02.01.2025 and the respondent will file a compliance affidavit, annexing a decision taken by him on or before the next date fixed.

5.Mr.V.Karthick Raja for M/S.Ajmal Associates learned counsel for the petitioner has no objection to the aforesaid prayer made by Mr.R.Bhaskaran, learned Additional Advocate General assisted by Mr.F.Deepak, learned Special Government Pleader for the respondent.

6.Accordingly, after hearing the learned counsel for the parties, after perusal of the judgment and order made in W.P. (MD) No.10638 of 2016 dated 06.09.2021, in W.A.(MD) No.883 of 2013, dated 23.06.2023 and in SLP (Civil) Diary No.55983 of 2024, dated 02.01.2025 and also considering the request made by Mr.R.Bhaskaran, learned Additional Advocate General assisted by Mr.F.Deepak, learned Special Government Pleader for the respondent/contemnor, as a last chance, this Court grants two weeks and no more further time to the respondent/contemnor to make full compliance of the directions issued by this Court in W.P.(MD) No.10638 of 2016, dated 06.09.2021, in W.A.(MD) No.883 of 2013, dated 23.06.2023 and in SLP (Civil) Diary No.55983 of 2024, dated 02.01.2025 and to



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file an affidavit of compliance in this regard, annexing a decision taken by the respondent. The decision taken by the respondent shall also be communicated to the petitioner by the respondent through RPAD on or before the next date fixed. It is made clear that if the judgment and order, dated 06.09.2021 is not complied with on or before the next date fixed, the respondent is directed to appear in person before this Court to justify as to why the judgment and order dated 06.09.2021 is not complied with and as to why contempt proceedings should not be initiated as against him.

7.Put up this case 'for further orders' on 13.08.2025 before this Court. Let a copy of this order be issued to Mr.F.Deepak, learned Special Government Pleader for the respondent for its necessary compliance and information.

4. Today, when the matter is taken up, Mr.R.Bhaskaran, learned Additional Advocate General assisted by Mr.F.Deepak, learned Special Government Pleader for the respondent has produced an affidavit filed by the respondent annexing a copy of the order passed by the respondent, dated 12.07.2025 along with relevant documents, in which it has been stated that the direction issued by the Writ Court in W.P.(MD) No.10638



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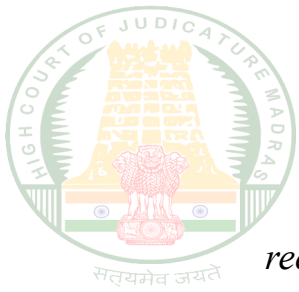
of 2016, dated 06.09.2021 as well as the direction issued by this Court vide order dated 21.07.2025 in the present contempt petition has been fully complied with.

5.In paragraph Nos.10 to 14 of the compliance affidavit, the aforesaid fact has been clearly stated, which is reproduced hereunder:-

“ 10.Based on the above Government Order, the Contemnor / Respondent issued a proceeding revising the seniority of the Petitioner in the category of Assistants, vide Rc. No.95090/NGB.VI(1)/2016, dated 12.07.2025. The said order was duly served on the Petitioner on 14.07.2025.

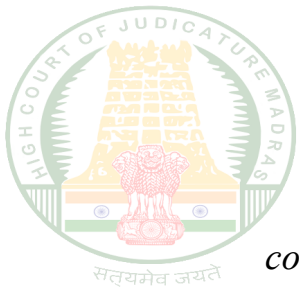
11. As per the interim orders of the Hon'ble Madurai Bench of Madras High Court dated 21.07.2025 in Contempt Petition (MD) No. 1571/2025 in W.P. (MD) No. 10638 of 2016, and in compliance with the same, the Petitioner was placed in the "C" list of Junior Assistants / Typists fit for promotion as Assistant for 1992-93 at Sl.No. 45(A). He was also placed in the "C" list of Assistants fit for promotion as Superintendent for 2005-06 at Sl.No. 91(?).

12. Subsequently, the Petitioner became entitled to be considered for the 2017-18 panel of Superintendents fit for appointment as Personal Assistant (Administration) by



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recruitment by transfer. At the relevant time, no disciplinary proceedings or punishments were in force. His immediate senior was Tmt. M. Selvi, and his immediate junior was Thiru C.A. Somasundaram. He became eligible for pay fixation under FR 27 from 05.02.2018, the date on which his junior officiated as PA (Admin). His inclusion in the 2017-18 PA (Admin) panel also made him eligible for the 2023-24 panel of Administrative Officers fit for promotion as Senior Administrative officer (SAO) His immediate senior was Thiru A. Dharani, and his immediate Junior was Thiru K.Prabakaran. In the Government Order G.O. (2D) No. 272, Home (Police-v) Department, dated 11.08.2025, his name was included in the temporary panel of Superintendents fit for appointment as PA (Admin) at Sl.No. 17(A), between Tmt.M.Selvi and Thiru C.A.Somasundaram. Following the revision of his seniority in the category of Administrative Officer, and though he was a probationer, Rule 4 of the Adhoc Rules for the post of Senior Administrative Officer-relating to the completion of probation in the post of Administrative Officer relating to the completion of probation in the post of Administrative Officer- was relaxed in his favour. Pursuant to the above relaxation, he was temporarily promoted as Senior Administrative Officer under Section 4(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, with effect from the date of assumption of duty in the post concerned, to which he is to be posted, subject to the stipulated



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conditions in the same Government Orders. A copy of the Government Order is enclosed herewith for kind perusal.

13. Furthermore, he was appointed as Senior Administrative Officer to the Inspector General of Police, West Zone, Coimbatore, vide G.O. (2D) No. 273, Home (Police-V) Department, dated 11.08.2025. This order was duly served on the Petitioner on 12.08.2025. A copy of the Government Order is enclosed herewith for favour of perusal.

14. I submit that the implementation of the order was fully carried out on 12.08.2025, and no further grievance survives as on date.

6.A copy of the affidavit filed by the respondent has been produced before this Court, which is now taken on record and a copy of the same has also been given to the learned counsel for the petitioner.

7.Thus, the learned Additional Advocate General for the respondents submits that the respondent may be discharged from the present contempt proceedings, as the judgment and order of the Hon'ble Writ Court in W.P.(MD).No.10638 of 2016 dated 06.09.2021, has been fully complied with by the respondent, vide order dated 12.07.2025 and the present Contempt Petition may also be disposed of, accordingly.



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8.Mr.A.Nawazkhan, learned counsel for the petitioner submits that he has received a copy of the affidavit filed by the respondent annexing a copy of the Order passed by the respondent dated 12.07.2025 and has no objection, if the respondent is discharged from the contempt proceedings, as the judgment and order of this Court dated 06.09.2021 has been complied with by the respondent, vide order dated 12.07.2025.

9.Accordingly, in view of the submissions made by the learned counsels for the parties and after perusal of the judgment and order made in W.P.(MD).No. 10638 of 2016 dated 06.09.2021 and the compliance affidavit filed by the respondent annexing a copy of the order passed by the respondent, dated 12.07.2025, this Court is satisfied that the direction issued by the Writ Court in W.P.(MD) No.10638 of 2016, dated 06.09.2021 as well as the direction issued by this Court vide order dated 21.07.2025 in the present contempt petition has been fully complied with by the respondents and thus, no useful purpose would be served in continuing the present contempt proceedings against the respondent. Accordingly, the respondent is discharged from the present contempt proceedings.



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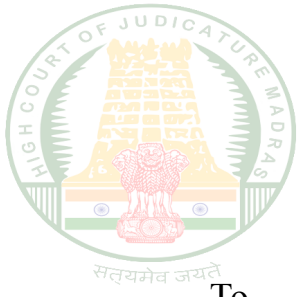
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10. In view of the above, the Contempt Petition is finally **disposed of**. No costs. The file is consigned to record.

Index : Yes / No
Internet : Yes / No

13.08.2025

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To
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Shankar Jiwal I.P.S.,
The Director General of Police,
Mylapore,
Chennai-4.



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SHAMIM AHMED, J.

vsg

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