



Cont.P(MD)No.192 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cont.P(MD)No.192 of 2025
in
WP(MD)No.6058 of 2024
and Sub A(MD)No.60 of 2026

R.Ravichandran

....Petitioner

Vs

1.Shunchonngam Jatak Chiru
The Transport Commissioner,
Chepauk,Chennai 5.

2.K.Nellaiyappan,
The Joint Transport Commissioner (Admn),
Chepauk,Chennai 5.

...Respondents

Prayer:Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the Contemnors / Respondents for the deliberate and willful disobedience of the order dated 30.07.2024 passed by this Court in WP(MD). No.6058 of 2024.



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For Petitioner : Mr.Karthick Raja
for M/s.Ajmal Associates
For Respondents : Mr.Veerakathiravan,
Additional Advocate General
assisted by
Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

The petitioner was working as an Assistant in the respondent Transport Corporation. He filed a writ petition before this court in WP(MD)No.6058 of 2024 as against the orders of the 1st respondent / Commissioner dated 19.02.2024, deferring to include the petitioner's name in the panel for promotion to the post of Superintendent for the year 2016-2017. He also sought for a consequential direction to include his name in the said panel. This court by its order dated 30.07.2024 allowed the writ petition based on the submission that the petitioner was issued with a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, on 30.06.2020. This court while allowing the writ petition also directed the respondents to promote this petitioner as Superintendent by including the petitioner's name in the panel for the year 2016-2017.



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2.The petitioner filed this contempt petition before this court that the above orders of this court have not been complied with. Pending this contempt petition, the government filed writ appeal in WA(MD)No.527 of 2025 and it was dismissed on 11.03.2025 with a direction to the respondents to promote the petitioner as Superintendent by including his name in the panel of the year 2016-2017. In view of the orders of the Division Bench, this contempt petition was closed on 08.04.2025. As against the orders of the Division Bench in the writ appeal, the government preferred special leave petition before the Hon'ble Supreme Court in SLP(Civil) Diary No.55877 of 2025. However the same was dismissed by the Hon'ble Supreme Court by order dated 31.10.2025. Therefore, the petitioner filed an application to reopen the contempt petition, the same was allowed by order dated 12.12.2025. Accordingly this contempt petition has been restored and is now listed for hearing.

3.The learned Additional Advocate General appearing for the respondents submits that this petitioner has not been added in the panel for the promotion to the post of Superintendent for the year 2016-2017 not only in view of the charge memo against the petitioner but also due to not fulfilling the other criteria as per



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Rule 30 (b) of the Special Rules for the Tamil Nadu Ministerial Service.

According to the learned Additional Advocate General, a person can be promoted as Superintendent from the post of Assistant, provided, if he has completed one year of his service as Accountant in any of the offices of the Regional Transport Officers of the Transport Department and two years as Assistant in the office of the State Transport Authority or State Transport Appellate Tribunal or Joint Transport Commissioner or Deputy Transport Commissioner or Assistant Accounts Officer (Internal Audit Wing) on the crucial date of drawal of the panel to the post of Superintendent as per Rule 30 (b) of the Special Rules for the Tamil Nadu Ministerial Service.

4.The learned Additional Advocate General further submits that this petitioner fulfilled the above criteria on 07.12.2020 and therefore, he would be eligible for promotion to the post of Superintendent only on 07.12.2020 as per Rule 30(b) of the Special Rules for Tamil Nadu Ministerial Service. However the writ court as well as the Division Bench without considering this eligibility has allowed the cases in favour of the petitioner. The Hon'ble Supreme Court has dismissed the special leave petition filed against the order of the writ appeal.



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Therefore, they are left with no other option than to get relaxation of Rule 30(b) of the above Rules and they have also sent proposal for relaxing the Rule. He has also pointed out that the government has filed review application before the Hon'ble Supreme Court and same is yet to be numbered.

5.This Court has considered the rival submissions made.

6.This contempt petition is filed that the orders of this court in WP(MD)No.6058 of 2024 dated 30.07.2024 have not been complied with and the relevant portion of the said order reads as follows:

“9.In view of the above stated reasons, the writ petition is allowed and the impugned order of the first respondent dated 19.02.2024 is set aside. The respondents are directed to include the petitioner's name in the promotional panel for the year 2016-2017 for the post of Superintendent. No costs. Consequently connected, miscellaneous petitions are closed.”



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7.The petitioner's name was not included in the panel for promotion to the post of Superintendent for the year 2016-2017 that on the crucial date ie.,on 15.03.2016, he was facing a charge under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The writ court has allowed the writ petition that as on the crucial date the petitioner was not issued with any charge memo and the charge memo was issued only on 30.06.2016. However, the ground now raised by learned Additional Advocate General is that the petitioner did not fulfill the criteria as per Rule 30(b) of the said Rules as on the crucial date. The learned Additional Advocate General now cannot raise this ground since the government has not defended their case by raising this ground before the Writ Court, Division Bench and before the Hon'ble Supreme Court. Since they have lost in all the courts, they have to implement the orders of this court.

9.Since it is reported that the government also filed review application before the Hon'ble Supreme Court, this contempt petition is closed with liberty to the petitioner to renew this contempt petition after a period of two months. In the meantime the respondents shall either pursue the review application before the



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Hon'ble Supreme Court or obtain necessary orders for relaxing the Rules and pass suitable orders. Consequently connected sub application is filed.

06.02.2026

DSK

To

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The Transport Commissioner,
Chepauk,Chennai 5.

2.K.Nellaiyappan,
The Joint Transport Commissioner (Admn),
Chepauk,Chennai 5.



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B.PUGALENDHI,J.

DSK

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