

(2014) 11 MAD CK 0375

In the Madras High Court

Case No : Contempt Petition No. 1733 of 2014

G. Badhmanaban

APPELLANT

Vs

R. Selvaraj

RESPONDENT

Date of Decision : 03-11-2014

Acts Referred:

Citation : (2014) 11 MAD CK 0375

Hon'ble Judges : N. Paul Vasantha Kumar, J

Bench : Single Bench

Judgement

N. Paul Vasantha Kumar, J.—This contempt petition is filed for non-compliance of the order of this Court made in W.P.No. 10421 of 2011 dated 22.6.2011, by which the respondents were directed to regularise the services of the petitioners as Sweepers in the second respondent Town Panchayat from the date of completion of three years of contingent services in terms of G.O.Ms.No. 199, Municipal Administration and Water Supply (MC3) Department, dated 12.8.1997 and G.O.Ms.No. 84, Municipal Administration and Water Supply Department, dated 21.5.1998 with all monetary benefits.

2. When the contempt petition came up for hearing on 30.10.2014, this Court passed the following order:

"This Contempt Petition is filed for non-compliance of the order made in W.P.No. 10421/2011 dated 22.06.2011, which has been filed to quash the orders of the respondents 1 and 2 dated 26.07.2006 and 02.08.2006 respectively, insofar as regularization of the service granted to the petitioners on 23.06.2006 and both the orders were set aside and the writ petition was allowed with a direction to the respondents to regularize the services of the petitioners as Sweepers in the second respondent Town Panchayat, namely the Thorpadi Town Panchayat from the date of completion of three years of contingency services in terms of G.O.Ms.No. 199, Municipal Administration and Water Supply (MC3) Department dated 12.08.1997 and G.O.Ms.No. 84, Municipal Administration and Water Supply Department dated 21.05.1998 with all monetary benefits. The

respondents in the writ petitions were also directed to verify the dates of completion of services of the petitioners and necessary orders were directed to be passed within a period of three months from the date of the order. The said order was passed by following the judgment of the Division Bench of this Court made in W.A.Nos. 47 and 385/2010 dated 23.06.2010 and inspite of expiry of more than 3 years, the order of this Court have not been complied with, this Contempt Petition was filed on 08.04.2014.

2. On 06.06.2014, the matter was posted for admission. The Contempt petition was field against the Vellore Corporation as the Thorapadi Town Panchayat was merged with the Vellore Corporation on 25.10.2011. Since the services of the petitioners were also taken by the Vellore Corporation due to the merger of the area to the Corporation limits, the Corporation is bound to comply with the order. When the matter was posted on 04.07.2014, the order of this Court was not complied with and hence the Contempt Petition was admitted and posted for appearance of the respondents on 01.08.2014 and even thereafter, the matter was adjourned to 04.08.2014, 08.08.2014 and 21.08.2014. In the meanwhile, the Commissioner of Vellore Municipality filed M.P.No. 1 of 2014 in W.A.Sr.No. 54513/2014 seeking condonation of delay of 1074 days in filing the writ appeal and the said petition was filed on the ground that a Full Bench of this Court took a different view, vide judgment S. Dhanasekaran and Others Vs. Government of Tamilnadu and The Commissioner, Madurai Corporation, . The Division Bench of this Court inspite of taking note of the said judgment felt that the petitioners failed to explain the enormous delay of 1074 days in filing the writ appeal and dismissed the application seeking condonation of delay.

3. Mr.S.Silambannan, learned Senior Counsel appearing for the respondents was specifically asked whether the respondents are willing to comply with the order passed by this Court as of now atleast, since the application seeking condonation of delay in filing the writ appeal is dismissed. The learned Senior Counsel appearing for the respondent, on instructions from the Commissioner, Vellore Corporation, submitted that time may be given for getting permission from the Government, otherwise she will be blamed by the Government. The said stand of the respondents cannot be appreciated as the Officer cannot seek time on the ground of getting permission from the Government to implement the Court order. It permission has to be obtained from the Government for implementing the Court orders, it will lead to interference in the administration of justice and for implementing the Court orders, no proceedings can be initiated by higher authority.

4. The learned Senior Counsel for the respondents ultimately submitted that three days time may be granted to comply with the order of this Court. Hence, the matter is posted on 03.11.2014 at Chambers at 2.00 p.m. ?For Reporting Compliance?. It is made clear that if any payment is made by implementing the order, the same will be subject to Appeal/Special Leave Petition to be filed before the Hon"ble Supreme Court."

3. Today (3.11.2014) this matter is posted for reporting compliance and the learned counsel on record for the 2nd respondent produced the Memo filed by the Commissioner of Corporation, Vellore City Corporation, stating that without prejudice to the filing of SLP before the Honourable Supreme Court, the Corporation has made payments to the petitioners as detailed below:

4. The learned counsel appearing for the petitioners submitted that the payments as above have been paid to each of the petitioners on 30.10.2014.

5. As the order of this Court dated 22.6.2011 has been complied with by making payments as above, this contempt petition is closed.