

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION(C) No.638/2017

IN

CIVIL APPEAL No.4954/2016

V. SENTHUR & ANR.

Petitioner(s)

VERSUS

M. VIJAYAKUMAR, IAS, SECRETARY TAMIL NADU
PUBLIC SERVICE COMMISSION AND ANR ETC.

Respondent(s)/
Alleged Contemnors

WITH

CONTEMPT PETITION (CIVIL) NO. 1848 OF 2018, 2188 OF 2018 IN
SLP(CIVIL)No. 2886 of 2016

CONTEMPT PETITION© DY No.16048/2020 IN
SLP(C)NOS.2890-2894/2016

CONTEMPT PETITION(C) No.1247 OF 2019 IN SLP(C)No.2886 of 2016

AND

IA No. 130270 of 2021 in Diary No. 16048 of 2020 & IA No.
130900 of 2021 in MA 1633-1636 of 2021 in SLP (c) No.
12114-12117 of 2021

O R D E R

By an order dated 01.10.2021, the following respondents/contemnors have been held guilty of committing contempt by wilful disobedience of the order dated 22.01.2016:

- 1) M. Vijayakumar
- 2) S. Thinakaran

in C.P.(C)No.638 of 2017 in C.A.No.4954 of 2016;

- 1) Dr. S. Swarna
- 2) K. Ramamoorthy
- 3) K. Nanthakumar

in Dy No.16048 of 2020 in SLP(C) Nos.2890-2894 of 2016;

- 1) K. Shanmugam
- 2) K. Nanthakumar
- 3) Dr. K.Manivasan
- 4) K. Ramamurthy

In C.P.(C) No.1247 of 2019 in SLP (C) No.2886 of 2016;
and

- 1) K. Nanthakumar
- 2) S. K. Prabhakar
- 3) S. Bakthavathchalam

in C.P.(C)No.1848 of 2018 and C.P.(C)No.2188 of 2018 in
SLP (C)No.2886 of 2016.

A direction was given to the above persons to revise and publish the seniority list of those who were selected pursuant to the notification issued by the Tamil Nadu Public Service Commission ('TNPSC') on 10.09.1999 strictly on the basis of merit and not on the basis of roster points. 12 weeks' time was given for compliance of the directions.

Affidavits have been filed reporting compliance of the directions issued by this Court on 01.10.2021. This Court is informed that the seniority list of all the

persons concerned, not restricted to the petitioners, has been altered to bring it in accordance with the directions issued by this Court.

The contempt petitions were directed to be listed for determination of sentence. We have heard Mr.Prashant Bhushan, Mr.N.Subramanian for the petitioners and Mr.Mukul Rohatgi, Mr. C.S.Vaidyanathan, Mr.P.Wilson and Mr.V.Giri, learned senior counsel appearing for the contemnors. It was argued on behalf of the petitioners that the conduct of the contemnors in not obeying the orders of the Court in spite repeated directions of this court is wilful and no leniency should be shown to them. The petitioners voiced their grievance by stating that they had to knock the doors of this Court on several occasions seeking implementation of the directions issued in 2016. In spite of the directions issued by this court being clear in terms, the contemnors did not implement the directions with an ulterior motive. The contemnors have scant respect for the orders of this Court and deserve to be punished by being sent to jail at least for a month.

The learned senior counsel appearing for the contemnors submitted that the contemnors are public servants who are bound to implement the policies of the State Government. During the pendency of the litigation, a legislation was enacted and a decision was taken to

file a review petition in the High Court. The contemnors have no personal animosity towards the Petitioner. It was further submitted on behalf of the contemnors that they have tendered unconditional apology for not carrying out the directions issued by this Court promptly and, therefore, they should be pardoned for the mistake committed by them.

We have heard the contemnors personally who have expressed remorse for not implementing the directions. They have further stated that they had no intention to violate the directions issued by this Court and they have immense respect for this Court and the orders passed by it.

The contemnors were convicted for contempt by the order dated 01.10.2021, after a detailed consideration of the submissions made on both sides and after coming to a conclusion that there has been wilful disobedience of the order passed by this Court on 22.01.2016. Though, the direction given on 01.10.2021 has been carried out in its letter and spirit, we do not appreciate the attitude of the respondents in delaying implementation of the direction issued by this Court. The petitioners have been driven from pillar to post and had to approach this Court by filing repeated applications for implementation of the directions issued by this Court. The proclivity of the respondents/contemnors to be stubborn and obdurate is

deprecated. We warn the contemnors to be careful in future and to implement directions given by a court of law promptly.

With this warning, the contempt petitions are closed. Pending application(s), if any, shall stand disposed of.

IA No. 130270 of 2021 in Diary No. 16048 of 2020 & IA No. 130900 of 2021 in MA 1633-1636 of 2021 in SLP (c) No. 12114-12117 of 2021

No orders need to be passed in these IAs in view of the implementation of the directions issued by this court and alteration of seniority subsequently.

.....J
(L. NAGESWARA RAO)

.....J
(B.R. GAVAI)

NEW DELHI;
19th January, 2022.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

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| For Petitioner(s) | <p>Mr. Prashant Bhushan, Adv. Mr. Pranav Sachdeva, AOR Mr. N.Subramaniyan, Adv Mr. Jatin Bhardwaj, Adv.</p> <p>Mr. Nithin Saravanan, Adv. Ms. Arunima Singh, Adv. Mr. Karunakar Mahalik, AOR</p> |
| 5.8 to 5.10 & 5.12 to 5.16 | <p>Mr. Gaurav Bhatia, Sr. Adv Ms. Shantha Devi Raman, Adv Mr. Garvesh Kabra, AOR Mr. Arihant Jain, Adv Mr. Tushar Agarwal, Adv.</p> |
| 5.1, 5.2, 5.3 & 5.5 | <p>Ms. Shantha Devi Raman, Adv Mr. Garvesh Kabra, AOR Mr. Arihant Jain, Adv Ms. Pooja Kabra, Adv</p> |
| 5.11 | <p>Mr. Shyam Divan, Sr. Adv Ms. Shantha Devi Raman, Adv Mr. Garvesh Kabra, AOR Mr. Arihant Jain, Adv</p> <p>Mr. V.Raghavachari, Adv. Ms. K.Abhirame, Adv. Mr. Sunny Sheen Akkara, Adv. Ms. B.S.Mitraneshaa, Adv. Mr. G.Balaji, Advocate</p> <p>Ms. Neha Rathi, AOR</p> |
| D.1061 of 2022 | <p>Mr. Dema Shesadri Naidu, Adv Mr. M.P.Parthiban, Adv Mr. Somasundaram, Adv Mr. S.Parthasarathi, Adv</p> |
| D.1061 of 2022 | <p>Mr. S.Parthasarathi, Adv Mr. Sriram Parakkat, AOR Mr. S.Parthasarathi, Adv.</p> |
| For Respondent(s) | <p>Mr. T. R. B. Sivakumar, AOR</p> <p>Mr. Mukul Rohatgi, Sr Adv Mr. C. S. Vaidyanathan, Sr. Adv. Mr. V. Giri, Sr Adv Mr. P. Wilson, Sr Adv Mr. V.Krishnamurthy, Addl. Adv. General</p> |

Ms. C.N.G. Niraimathi, Adv.
Ms. G. Hema, Adv.
Dr. Joseph Aristotle S., AoR.
Mr. Mohammed Sadique T. A., Adv.
Mr. Nitish Raj, Adv.
Mr. Akshay Nagarajan, Adv.
Ms. Preeti Singh, Adv.
Ms. Nupur Sharma, Adv.
Mr. Sanjeev Kumar Mahara, Adv.

Mr. M. Yogesh Kanna, AOR

UPON hearing the counsel the Court made the following
O R D E R

Contempt Petition(C)No.638/2017 in C.A.No.4954/2016
Contempt Petition(C) NO.1848 OF 2018, 2188 OF 2018 in
SLP(C)No. 2886 of 2016
Contempt Petition(C) Dy.No.16048/2020 in SLP(C)Nos.2890-
2894/2016
Contempt Petition(C) No.1247 of 2019 in SLP(C)No.2886 of 2016

These contempt petitions are closed in terms of the signed order. Pending application(s), if any, shall stand disposed of.

IA No. 130270 of 2021 in Diary No. 16048 of 2020 & IA No. 130900 of 2021 in MA 1633-1636 of 2021 in SLP (c) No. 12114-12117 of 2021

No orders need to be passed in these IAs in view of the implementation of the directions issued by this court and alteration of seniority subsequently.

List rest of the matters on 28.03.2022.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

(Signed order is placed on the file)