



L.P.A.No.58 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 26.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

L.P.A.No.58 of 2025 and

C.M.P.No.25911 of 2025

1. Mr.K.Srinivasan

The Secretary,
Tamil Nadu Legislative Assembly,
Secretariat, Fort St.George, Chennai - 600 009.

2. Mr.G.Prakash, I.A.S.,

The Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Fort St. George,
Chennai – 600 009.

... Appellants/Contemnors

-vs-

A.Yadava Prakash

... Respondent

Prayer: Letters Patent Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 25.09.2025 made in Contempt Petition No.2147 of 2025 and allow the above Letters Patent Appeal.

For Contemnors : Mr.P.Kumaresan
Additional Advocate General
Assisted by Mr.P.Ananda Kumar
Govt. Advocate

For Respondent : Mr.R.Jayaprakash
Standing Counsel



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JUDGMENT

Challenging the Statutory Notice issued against the Contemnors, the present appeal has been filed.

Background of the case is as follows:

2. The respondent herein had filed W.P.No.3295 of 2021, challenging the impugned orders in (i) Officer Order No.1299/2017, dated 08.12.2017, (ii) Reply letter dated 08.09.2020 and (iii) S.O.No.102, dated 23.07.2019, with a direction to the 1st respondent therein to pass appropriate orders as to regularize the services of the petitioner in the cadre of Assistant Section Officer (ASO) from the date of his acquiring qualification i.e., w.e.f 13.12.2013 and fix his seniority accordingly, following the ratio of 4:1 as provided under the Rule 6 of the Tamil Nadu Legislative Assembly Secretariat Service Rules and the Appendix II therein, with all consequential service benefits such as seniority, promotions on par with his juniors.

2.1. Learned Single, while disposing of the said Writ Petition on 10.01.2024, had granted liberty to the petitioner to give a fresh



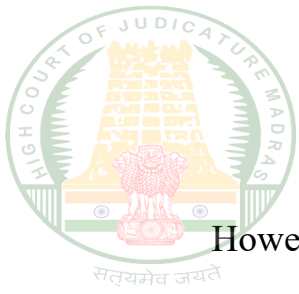
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representation to the respondents 1 and 2 within a period of two weeks from the date of the order and on receipt of the same, the respondents 1 and 2 were directed to consider the representation of the petitioner and pass appropriate orders for regularization of the petitioner in the cadre of Assistant Section Officer (ASO) w.e.f 13.12.2013 and fix his seniority by following the ratio of 4:1 on par with his juniors with all consequential service and attendant benefits, within a period of eight weeks thereafter.

2.2. Pursuant to the order of learned Single Judge, the Government has passed an order dated 21.03.2024, regularizing the temporary services of the respondent in the category of Assistant Section Officer (ASO) with effect from 14.12.2013 FN. Subsequently, a seniority list dated 01.08.2024 was published, wherein the respondent has been placed at Sl.No.8. Aggrieved by such placement, the respondent has filed a Contempt Petition No.2147 of 2025 on the ground that 4:1 ratio has not been followed in the ASO cadre.

2.3. Later, it appears that he was promoted to the post of Section Officer by an order dated 01.08.2024, placing him at Sl.No.1.



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However, the respondent has filed Contempt Petition No.3295 of 2021 on the ground that the second limb of the original order has not been implemented and therefore, he sought to punish the respondents, who are appellants / contemnors herein.

3. In the contempt petition, the impugned order of Statutory Notice has been issued by the learned Single Judge against the Contemnors on the ground that Additional Advocate General was not in a position to clarify the question put forth by this Court.

4. We have perused the entire documents.

5. The issue pertains to the fixation of seniority. According to the respondent, his junior has been promoted in the year 2020 and he has not been placed above his junior, as the contemnors have not properly applied the ratio. Whereas it is the stand of the learned Additional Advocate General that the request of the respondent has already been rejected and proper reply has been sent to him, which has not been challenged by the respondent.



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6. Be that as it may, in the main Writ Petition, private respondents had been arrayed as party respondents 3 to 12, but in the Contempt Petition, they have not been made as parties to the *lis*, except arraying the respondents 1 & 2 therein, as Contemnors. It is not known as to whether the private respondents were heard before passing the order in the contempt. Hence, we are of the view that they should be impleaded in the Contempt Petition and thereafter, the matter can be given quietus to.

7. In the result, this Letters Patent Appeal is allowed and the impugned statutory notice dated 25.09.2025, issued against the Appellants/Contemnors herein in Cont.P.No.2147 of 2025, stands set aside. It is open to the respondent herein to implead the private respondents as party respondents to the Contempt Petition, so as to decide the matter on merits. No costs. Consequently, connected Miscellaneous Petition is closed.

(N.S.K,J.) (M.J.R,J.)
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