

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2014

CORAM:

THE HON'BLE MR.JUSTICE N.PAUL VASANTHAKUMAR

AND

THE HON'BLE MR.JUSTICE P.R.SHIVAKUMAR

Contempt Petition No.537 of 2014

1.T.Selvarajan
2.K.Radha
3.R.Dhanuskodi
4.G.Pandurangan
5.G.R.Pandi
6.S.Dakshinamoorthy
7.A.Chithirai Vadivu
8.S.Neelambal
9.V.Thirunavukkarasu
10.V.Balakrishnan
11.K.Manthayan ... Petitioners

Vs.

1. D.Sabitha, I.A.S.,
Secretary,
School Education Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
2. G.Jansi,
Addl. Assistant Elementary School Officer,
Madurai-625 100.

(2nd respondent impleaded as per order
dt.2.7.2014 in Sub-Apln. No.358/2014) ... Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Court Act praying to punish the contemnors/respondents for wilful and deliberate disobedience and disregard to the Order of this Court in

For Petitioners : Mr.S.Subbiah

For Respondents : Mr.D.Krishnakumar
Spl. Govt. Pleader (Edn.)

ORDER

(Order of the Court was made by **N.Paul Vasanthakumar, J.**)

Heard Mr.S.Subbiah, learned counsel appearing for the petitioners and Mr.D.Krishnakumar, learned Special Government Pleader (Education) appearing for the respondents.

2. This Contempt Petition is filed for the non-compliance of the order made in W.P.No.26464 of 2009, dated 20.7.2011, wherein a direction was issued to the respondents to extend the benefit of G.O.Ms.No.234, School Education Department dated 10.9.2009, to the petitioner.

3. During the pendency of the contempt petition, the official respondents have fixed the pay and arrived at the salary payable in accordance with the said G.O.Ms.No.234 dated 10.9.2009 and the actual salary being received by each of the petitioners. Out of 11 petitioners, in respect of petitioner Nos.2 to 9 and 11, the arrears of salary have been paid and they have also received the same on 18.3.2014. In respect of the remaining petitioner Nos.1 and 10 either they are getting more pay or equal pay, while

applying G.O.Ms.No.234 dated 10.9.2009. The petitioners 1 and 10 are apprehending that their pension may be reduced. The learned Government Advocate stated that pension will not be reduced. The said submission is recorded. The individual proceeding of salary payable as per G.O.Ms.No.234 and the actual amount paid to each of the petitioners on their retirement was furnished to the said petitioners. If the fixation is wrong in respect of the above said 2 petitioners, it is open to them to agitate their claim in separate proceedings.

4. The learned counsel for the petitioners submits that writ petition was filed by 13 petitioners and out of 13 petitioners, only 11 petitioners alone the benefit was extended and no benefit was extended to the remaining 2 petitioners and requested this Court to direct the respondents to extend the benefit to those 2 petitioners. This contempt petition has been filed by only 11 petitioners and in respect of the said 11 petitioners, direction of this Court has been complied with. If the other 2 petitioners were not paid the benefit and if they are having any grievance for non-compliance of the order of this Court, it is open to them to file separate contempt petition.

5. In view of the above, the contempt petition is closed, with the above liberty.

bbr

SD/-
DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2014.

COURT OFFICER(O.S.)

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SS/CO/28/01/2015

One CC to Mr.S.Subbiah, Advocate,SR.15427

One CC to Government Pleader, SR.15503 & 15504



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