

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2014

CORAM

THE HONOURABLE MR.JUSTICE N.PAUL VASANTHAKUMAR
AND
THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

Contempt Petition No.912 of 2014

1.S.K.Shanmugam
2.K.Saminathan
3.K.Loganathan
4.R.Palanivel
5.K.Arumugam
6.K.Madesan
7.K.Mubarakbasha
8.R.Periyasami
9.K.Chinnasami
10.M.Nesamani
11.P.Rajarathinam
12.C.Periasamy
13.S.Rajeswari
14.P.Jayapal ... Petitioners

D.Sabitha, I.A.S.,
The Secretary To Government
School Education Department
Government of Tamil Nadu
Fort St. George
Chennai-600 009 .. Respondent

Petition under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for wilful disobedience of the order of this Court dated 21.7.2011 made in W.P.No.19385 of 2010.

For Petitioners:: Mr.V.Thirupathi

For Respondent :: Mr.K.Karthikeyan
Government Advocate (Education)

ORDER

(Order of the Court was delivered by
N.PAUL VASANTHAKUMAR, J.)

Heard Mr.V.Thirupathi, learned counsel appearing for the petitioners and Mr.K.Karthikeyan, learned Government Advocate (Education) appearing for the respondents.

2. This contempt petition is filed for non-compliance of the direction issued in W.P.No.19385 of 2010, dated 21.7.2011 to extend the benefit of G.O.Ms.No.234, School Education Department dated 10.9.2009.

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 14 petitioners, in respect of petitioner Nos.1,3,4,7 to 10,13 and 14, the arrears of salary have been paid and they have also received the same on 28.4.2014. In respect of the remaining petitioner Nos.2,5,6,11 and 12 either they are getting more pay or equal pay, while applying G.O.Ms.No.234 dated 10.9.2009. 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.

4. The apprehension of the petitioner Nos. 2,5,6,11 and 12 is that their pension may be reduced based on the erroneous fixation now made in the orders. The learned Government Advocate appearing on behalf of respondent-Education Department submits that there will be no reduction in pension based on the said calculation. The said submission is recorded.

5. Recording the above submission, this contempt petition is closed. If the said petitioners are aggrieved by the orders passed, it is open to them to challenge the same in separate proceedings.

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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CO/27/01/2015

One CC to Government Pleader, SR.15492