

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2016

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THE HONOURABLE MR. **JUSTICE M.M.SUNDRESH**

Contempt Petition No.1844 of 2015
Sub Application No.815 of 2015

D.Subramaniyan,
Selection Grade Lecturer(Mathematics),
P.T.Lee C.N.Polytechnic College,
Vepery, Chennai-600 007.

.. Petitioner

Vs

1.Apoorva, I.A.S.,
The Principal Secretary to Government
of Tamil Nadu,
Higher Education Department,
Fort St. George,
Chennai-600 009.

2.S.Madhumathi, I.A.S.,
The Commissioner of Technical
Education, Guindy,
Chennai-600 025.

3.S.Mohan,
The Principal in charge,
P.T.Lee C.N.Polytechnic College,
Vepery, Chennai-600 007.

... Respondents

Contempt petition is filed under Sections 10 and 12 of the Contempt of Courts Act, 70/71 to punish the third respondent for the disobedience of the order dated 03.12.2014 made in W.P.No.19592 of 2010.

For Petitioner : Mr.Venkatakrishnan

For Respondent : Mrs.P.Rajalakshmi,
Government Advocate for R1 & R2

Mr.M.R.Jothimanian for R3

O R D E R

Alleging that the order passed by this Court in W.P.No.19592 of 2010 dated 03.12.2014 has been disobeyed wilfully, the present contempt application has been filed.

2. Learned counsel appearing for the petitioner made two submissions. The clarification issued to the second respondent as followed by the third respondent is contrary to the earlier order passed. Secondly, it is contended that as per the subsequent notification issued by the All India Council for Technical Education (AICTE) dated 06.01.2016, the petitioner is entitled to the relief sought for. The learned counsel appearing for the petitioner further submitted that the abovesaid notification will only drive the petitioner to go through the ordeal of one more litigation, hence, the second respondent may be directed to look into the said aspect once again.

3. The learned counsel appearing for the respondents submitted that the orders passed by the respondents 2 and 3 cannot

be termed as wilful disobedience of the order of this Court. There is no positive direction issued by this Court. Therefore, the remedy of the petitioner lies elsewhere.

4. As rightly submitted by the learned counsel appearing for the respondents, this Court does not find any wilful disobedience on the part of the respondents. While disposing of the writ petition in W.P.No.19592 of 2010 on 03.12.2014, this Court did not pass the positive order. It merely states that the second respondent can give clarification sought for based upon which the third respondent has to pass further orders. This has been aptly complied with. However, the petitioner is at liberty to make a fresh representation along with the copy of this order to the second respondent seeking reliance upon the notification of the AICTE dated 06.01.2016, wherein it has been stated as follows:

Sl.No.	Issue	Clarification
45	Clarification invited regarding counting of service period rendered in pre-revised Pay Scale (Rs.10000-15200) as a Lecturer (Senior Scale) prior to 1.1.2006 for the upward movement of Lecturer from AGP of Rs.7000 to AGP of Rs.8000 in Para a(ix) of Lecturer in Polytechnic in the of AICTE Regulations, 2010.	The period specified in the AICTE Regulations, 2010 for upward movement of Lecturer from AGP of Rs.7000 to AGP of Rs.8000 shall be counted from the date of placement of Lecturer in the corresponding pre-revised Pay Scale.

As and when such representation is made, the second respondent shall look into the same and pass appropriate orders within a period of four weeks and thereafter, communicate the same to the third respondent. On receipt of such an order, the third respondent shall pass appropriate orders within a further period of four weeks. It is made clear that this Court has not expressed anything on merits.

5. With the above directions, the contempt petition is closed. Consequently, connected Sub Application No.815 of 2015 is also closed.

12.02.2016

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M.M.SUNDRESH,J.

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