

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE M.M.SUNDRESH

Contempt Petition Nos.2454 & 2469 of 2015

F.E.S. Schools Teachers Association,
rep. by its Secretary R.Thambi Arumairaj

.. Petitioner in
Cont.P.2454/2015

F.E.S. Schools Non-Teaching Staff
Association, rep. by its Secretary
C.John

.. Petitioner in
Cont.P.2469/2015

Vs

1.Pitchai,
Director of School Education,
College Road, Chennai-600 006.

2.Annapoorani,
Inspector of Matriculation Schools,
Ambedkar High School Campus,
Egmore, Chennai-600 008.

3.Paul Devaraj,
Correspondent,
F.E.S. Matriculation and Higher Secondary School,
Muthamizh Nagar,
Kodungaiyur, Chennai-118.

4.Manohar,
Secretary,
F.E.S. Matriculation and Higher Secondary School,
Muthamizh Nagar,
Kodungaiyur, Chennai-118.

... Respondents in
both petitions

Contempt Petitions filed under Sections 11 of the Contempt of Courts, Act, 1971 to punish the respondents for the wilful disobedience of the order passed by this Court in W.A.Nos.764 of 2001 and 765 of 2001, dated 28.04.2008.

For Petitioner .. Mr.Yogeshkannadasan

For Respondents .. Mr.P.H.Arvinth Pandian
Additional Advocate General
assisted by
Mr.K.Karthikeyan
Government Advocate (Education)
for R1 and R2
Mr.M.Thomas Aquinas for R3 and R4

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COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioners have succeeded at all three tiers - Single Judge, Division Bench and the Hon'ble Supreme Court. However, the prayer originally made was for grant of the same scales of pay as given to the Government school teachers, which has been admittedly granted by the private institutions-respondents 3 and 4.

2. There is, however, a difference between the total emoluments payable in the two cases and this is primarily on account of non-grant of the Grade Pay, as also the Dearness Allowance being given only partly and not at the same rate as given to the Government school teachers. This

issue appears to be a consequence of the implementation of the judgments passed, but there is no specific direction in this behalf.

3. We are concerned in the present petitions with the allegation of wilful disobedience of the order of the Court by the respondents. On the conspectus of the matters, we are of the view that the respondents cannot be punished for the wilful disobedience of the order of this Court as the question sought to be raised to an extent is at large and thus, the proper remedy for the petitioners would be to file independent proceedings to establish the admissibility of these amounts which have not been granted by the respondents 3 and 4.

4. We close the present contempt proceedings with the aforesaid liberty.

bbr

SD/-

DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER(O.S.)

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CO/11/04/2016

One CC to M/s.Yohesh Kannadasan,Advocate, SR.4103

One CC to the Government Pleader, SR.4030

One CC to M/s.M.Thomas Aquinas, SR.4892

To

1. The Director of School Education,
College Road, Chennai-600 006.
2. The Inspector of Matriculation Schools,
Ambedkar High School Campus,
Egmore, Chennai-600 008.
3. The Correspondent,
F.E.S. Matriculation and Higher Secondary School,
Muthamizh Nagar,
Kodungaiyur, Chennai-118.
4. The Secretary,
F.E.S. Matriculation and Higher Secondary School,
Muthamizh Nagar,
Kodungaiyur, Chennai-118.



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