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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2016

CORAM :

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

Contempt Petition(MD)No.454 of 2016

in

Contempt Petition(MD)No.535 of 2014

in

W.P(MD)No.19715 of 2013

A.Thainis @ Samikannu

... Petitioner/ Petitioner/
Petitioner

-vs-

1)Mrs.T.Sabitha,
Secretary to Government,
Education Department,
Secretariat, Chennai-9.

2)Thiru.Elangovan,
The Director of Elementary Education,
College Road, Nungampakkam,
Chennai-600 006.

... Contemnors/Respondents /
Respondents

Prayer: This contempt petition is filed under Section 11 of the Contempt of the Courts Act, 1971 praying to punish the respondents for their willful and wanton disobedience of the order passed by this Honourable Court in Cont.P(MD)No.535/2014 dated 02.09.2015 in WP(MD)No.19715/2013 dated 04.12.2013.

Prayer in CONT P(MD). 535/ 2014 :

Petition filed under Section 11 of the Contempt of the Courts Act, to punish the respondents for their willful and wanton disobedience of the order passed by this Honourable Court in WP.(MD).No.19715/2013 dated 04.12.2013.

Prayer in WP(MD). 19715/ 2013 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to sanction and award forthwith Selection Grade and Special Grade to the Petitioner in the post of Primary School Headmaster by reckoning and computing the petitioner s service rendered in the cadres of Secondary Grade Teacher (01.01.1971 to 19.06.1989) and Primary School Headmaster (from 20.06.1989 to 28.02.2003).



For Petitioner : Mr.S.Sankara Pandian
For Respondents : Mr.S.Sathish Kumar
Additional Government Pleader

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O R D E R

This contempt petition has been filed for punishing the respondents for having not obeyed the order of this Court made in WP(MD)No.19715/2013, dated 04.12.2013.

2.Already, Contempt Petition(MD)No.535 of 2014 in WP(MD) No.19715/2013 has been closed by this Court on 02.09.2015 and there is no reason why the present second contempt petition was filed.

3.The learned Additional Government Pleader appearing for the respondents also drew the attention of this Court to the order dated 13.04.2016 made in W.A(MD)No.546 of 2016, wherein, the original order dated 04.12.2013 made in WP(MD)No.19715/2013 was challenged. The Division Bench has dismissed W.A(MD)No.546 of 2016, recording the submission of the learned counsel for the writ petitioner that by the proceedings of the Assistant Elementary Educational Officer, Thiruppathur, Sivagangai District, in O.Mu.No.1799/Aa2/2015, dated 06.11.2015, the scale of pay of the writ petitioner was refixed and that the order of the writ court has been complied with. That apart, the order made in WP(MD) No.19715/2013, dated 04.12.2013 has got merged with the order made in W.A(MD)No.546 of 2016 dated 13.04.2016, on the principle of Doctrine of Merger.

In view of the above, this second Contempt Petition is dismissed as not maintainable.

Sd/-
Deputy Registrar

/True Copy/

Sub Assistant Registrar

nbi

To

1)Mrs.T.Sabitha,
Secretary to Government,
Education Department,
Secretariat,
Chennai-9.



2) Thiru. Elangovan,
The Director of Elementary Education,
College Road, Nungampakkam,
Chennai-600 006.

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+1cc to Mr. S. Sankara Pandian Advocate Sr.No. 80092

+1cc to Spl. Government Pleader Sr.No. 80292

JAM/27.12.16/RR/ 3p-5c

Cont.P (MD) No.454 of 2016

08.12.2016