



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2016

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

CONT. P(MD)No.94 of 2016
in M.P.(MD) No.1 of 2015
in W.P.(MD)No.16157 of 2015

D.Johnson

... Petitioner/Petitioner/Petitioner

Vs.

1.K.Manivasan
The Principal Secretary/
State Commissioner
For the Differently abled welfare
Commissionerate for the Welfare of the
Differently abled,
Jawaharlal Inner Ring Road,
S.R.T.C. Campus,
K.K.Nagar,
Chennai - 600 078.

2.T.Manohar,
District Differently abled
Welfare Officer,
Collectorate,
Tirunelveli - 9.

3.K.Suthan,
The Correspondent,
Florence Swainson Higher
Secondary school for the Dead,
Palayamkottai,
Tirunelveli District.

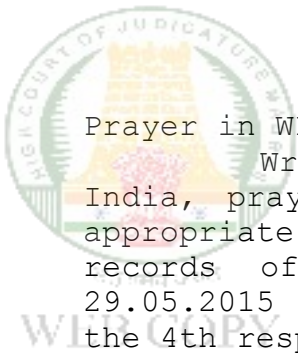
4.C.Wilson,
The Manager,
T.D.T.A.High and Higher Secondary,
Schools and Special Schools,
Tirunelveli - 9.

... Contemnors/Respondents

Prayer: Petition filed under Section 11 of Contempt of Courts Act, 1971
praying to punish the respondent for wilful disobedience of the order of
this Hon'ble Court in M.P.(MD) No. 1 of 2015 in W.P.(MD) No.16157 of 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).16157/2015 :

This Petition is filed praying to grant an order of Stay of the
operation of the impugned demote order dated 29.05.2015 passed by the 3rd
respondent and the consequent transfer order dated 25.08.2015 passed by
the 4th respondent, pending disposal of the Writ Petition.



Prayer in WP(MD). 16157/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari or any other appropriate writ in the nature of writ of Certiorari, calling for the records of the impugned proceedings of the 3rd respondent dated 29.05.2015 and the consequent transfer order dated 25.08.2015 passed by the 4th respondent and quash the same.

For Petitioner ... Mr.P.Santhoshkumar
 For R1 & R2 ... Mr.G.Muthukannan
 Additional Government Pleader
 For R3 & R4 ... Mr.A.Thirumoorthy
 for Victory Associates

O R D E R

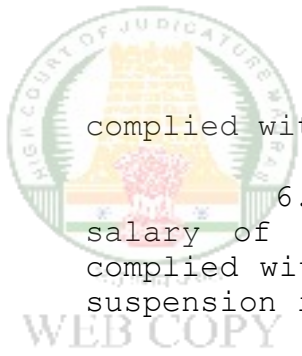
This Contempt Petition was directed against the order of interim stay granted by this Court in M.P.(MD) No. 1 of 2015 in W.P.(MD) No.16157 of 2015 on 07.09.2015.

2. The petitioner, who is the Headmaster of the fourth respondent school, was reverted from the post of Headmaster which was challenged in the writ petition. There was an order of interim stay of the impugned order dated 29.05.2015. Despite the order being passed on 07.09.2015, the petitioner was not allowed to join as the Headmaster of the School. Hence, this Contempt petition was filed.

3. After notice, the respondents 3 and 4 appeared before this Court. After hearing both sides, this Court had directed the respondents 3 and 4 to permit the petitioner to continue as a Headmaster, which was agreed by them. The said order was passed on 14.03.2016. Accordingly, the petitioner joined the school on 24.03.2016. In proceedings of the fourth respondent on 21.03.2016 the third respondent school has kept the order of reversion, which is impugned in the Writ petition in abeyance. It is also acknowledged by the fourth respondent school that the petitioner joined as the Headmaster on 24.03.2016. Therefore, disobedience pointed out by the petitioner was well complied with by the respondents 3 and 4.

4. Be that as it may, it is submitted by the learned counsel for the petitioner today that though the order of stay was passed on 07.09.2015, the respondents have not allowed the petitioner to join as the Headmaster and to discharge his duties. He was allowed to join duty only pursuant to the interim order passed on 14.03.2016 in the Contempt Petition. Curiously, the third respondent had sent a proposal for salary of the petitioner only from 14.03.2016 to 31.03.2016 leaving out the period from the date of order of interim stay.

5. It is submitted by the learned counsel for the petitioner that the respondents ought to have sent a proposal from 07.09.2015 not from 24.03.2016. The respondents 3 and 4, who have not allowed the petitioner to join the school as the Headmaster inspite of the order of stay of the reversion order, cannot take advantage of their own fault and not sent the proposal for salary from 07.09.2015. The respondents ought to have considered the proposal atleast from the date of the order of interim stay of this Court. Though the order of interim stay was well



complied with the salary proposal is the consequence of the same.

6. Hence, the respondents are directed to send a proposal of the salary of the petitioner from 07.09.2015. As the order disobeyed is complied with by allowing the petitioner to join and keeping the order of suspension in abeyance, the Contempt Petition is closed.

Sd/
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar.

To

1.K.Manivasan,

The Principal Secretary/State Commissioner for the Differently abled welfare Commissionerate for the Welfare of the Differently abled, Jawaharlal Inner Ring Road, S.R.T.C. Campus, K.K.Nagar, Chennai - 600 078.

2.T.Manohar,

District Differently abled Welfare Officer, Collectorate, Tirunelveli - 9.

3.K.Suthan,

The Correspondent, Florence Swainson Higher Secondary school for the Dead, Palayamkottai, Tirunelveli District.

4.C.Wilson,

The Manager, T.D.T.A. High and Higher Secondary, Schools and Special Schools, Tirunelveli - 9.

+1CC to M/S. Victory Associates, SR.No. 18747

CONT. P(MD) No.94 of 2016
in M.P.(MD) No.1 of 2015
in W.P.(MD) No.16157 of 2015
04.04.2016

AM/NGM.SS/AR-I/12.04.2016/3P/6C