



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

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Writ Petition (MD) Nos.20153, 18875 of 2013
and Cont.P(MD)No.21 of 2014
and M.P(MD)Nos.1&1 and 2 of 2013

K.M.Benedict Crizal ...Petitioner in both W.Ps and Cont.P.

Vs.

1.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

2.The District Educational Officer,
Kuzhithurai, Kanyakumari District.

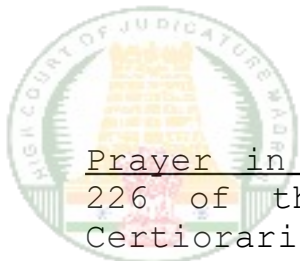
3.The Correspondent,
St., Joseph's Higher Secondary School,
Vizhunthayambalam,
Kanyakumari District.

4.Rev.Fr.G.Maria Gladson
Enquiry Officer,
C/o.Correspondent,
St., Joseph's Higher Secondary School,
Vizhunthayambalam,
Kanyakumari District. ..Respondents in W.P(MD)No.20153/2013

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St., Joseph's Higher Secondary School,
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Kanyakumari District. ..Respondents in W.P(MD)No.18875/2013

Rev.Sr.Jeya Mary,
Correspondent,
St., Joseph's Higher Secondary School,
Vizhunthayambalam,
Kanyakumari District ..Respondent in Cont.P(MD)No.21/2014/
Contemnor



Prayer in W.P(MD)No.20153 of 2013: Petition filed under Article 226 of the Constitution of India praying for issuance of a Certiorarified Mandamus calling for the records relating to the impugned order issued by the 3rd respondent herein in Proceedings No.Nil dated 3.12.2003 quash the same and further direct the 3rd respondent herein to re-instate the petitioner as Headmaster in the 3rd respondent-school with all attendant benefits.

Prayer in W.P(MD)No.18875 of 2013: Petition filed under Article 226 of the Constitution of India praying for issuance of a Certiorarified Mandamus, calling for the records relating to the Impugned enquiry report dated 14.12.2012 submitted by the 2nd respondent herein and the subsequent notices issued by the 1st respondent herein dated 25.10.2013 and 18.11.2013 quash the same and further direct the 1st respondent herein to conduct fair and proper enquiry by affording reasonable opportunity after disbursing the subsistence allowance/back wages to the petitioner.

Prayer in Cont.P(MD)No.21 of 2014: Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent herein for the wilful deliberate and wilful disobedience of the order of this Court dated 02.12.2013 in M.P(MD)No.2 of 2013 in W.P (MD)No.18875 of 2013.

For Petitioners: : Mr.E.V.N.Siva
(In both W.Ps and Cont.P.)

For Respondents:

WP (MD) No.20153/2013:

Mr.R.Anandharaj, Government Advocate for R1 & R2
Mr.M.Vallinayagam, Senior Counsel for
Mr.D.Nallathambi for R3
For R4 : No appearance

WP (MD) No.18875/2013:

Mr.M.Vallinayagam, Senior Counsel for
Mr.D.Nallathambi for R1
For R2 : No appearance

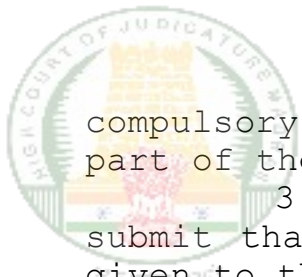
Cont P (MD) No.21/2014:

Mr.M.Vallinayagam, Senior Counsel for
Mr.D.Nallathambi for Sole Respondent/Contemnor

COMMON ORDER

Challenging the correctness of the impugned order of dismissal passed by the third respondent, dated 03.12.2003, W.P (MD)No.20153 of 2013 has been filed.

2. After notice was issued to both parties, they have entered into a joint compromise memo 30.06.2016 in and by which the impugned order of dismissal has been modified into one of



compulsory retirement. The said joint compromise memo shall form part of the records.

3.Learned counsel appearing for the petitioner would submit that based on the joint compromise memo, direction may be given to the authorities concerned to get his pensionary benefits

4.At this juncture, Mr.M.Vallinayagam, learned Senior Counsel appearing for the school would submit that in terms of the said compromise, the pension proposal of the petitioner and other papers will be forwarded to the authority in accordance with law.

5.Therefore, W.P(MD)No.20153 of 2013 is disposed of in terms of the memo of compromise.

6.Learned counsel appearing for the petitioner seeks permission of this Court to withdraw W.P(MD)No.18875 of 2013 in view of the compromise entered into between the parties and he has also made an endorsement to that effect.

7.In view of the endorsement made by the learned counsel for the petitioner, W.P(MD)No.18875 of 2013 is dismissed as withdrawn.

8.In view of the above orders passed in both writ petitions, nothing survives for further adjudication in Cont.P(MD) No.21 of 2014. Accordingly, the contempt petition is closed. No costs. Consequently, M.P(MD)Nos.1&1 and 2 of 2013 are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

Encl: Joint Compromise Memo

To

1.The Chief Educational Officer, Nagercoil, Kanyakumari District.

2.The District Educational Officer, Kuzhithurai,
Kanyakumari District.

+2cc to M/s.E.V.N.Siva, Advocate in SR.41490

+1cc to M/s.D.Nallathambi, Advocate in SR.41291

Writ Petition (MD) Nos.20153, 18875 of 2013
and

Cont.P(MD)No.21 of 2014
01.08.2016

sms

PBK/NGM-MP/SAR-III 09/08/2016 ::3P-6C:: (IT)