IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.1355 of 2015

1) M. Subramanian

2) M.Elayavel

3) C.Thangavelu

4) P.Kasinathan

.. Petitioners

vs

T.Sabitha, I.A.S.,
Secretary to Government of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai 600 009

.. Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for willful disobedience of the order passed by this Court in W.P.No.19124 of 2010 dated 03.08.2011.

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For Petitioners: Mr.K.Thennan

For Respondent : Mr.M.Perumal,
Learned Government Advocate.

O R D E R

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The present Contempt Petition is preferred against the

order passed by this Court on 03.08.2011 in W.P.No.19124 of 2010. This Court has passed an order dated 03.08.2011 and the same reads as under:-

> "6. In view of all the above factors, this court is constrained to direct the petitioners to submit a fresh representation to the respondents within 10 days from the date of receipt of a copy of this order and the respondents, on receipt of the same, shall consider the representation to be given by the petitioners seeking for the relief of awarding Special Grade scale of pay in the cadre of Middle school Headmaster to the petitioners with effect from 01.06.1988 by extending the benefits granted to the similarly placed candidates by the Government in G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009, G.O.Ms.No.190, Education (G1) Department, dated 12.07.2010, with all monetary benefits and pass orders on merits and in accordance with law. It is made clear that the said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order."

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2. Pursuant to the orders passed by this Court, the writ petitioner has submitted a fresh representation to the respondent for consideration. The learned Government Advocate appearing for the respondent brought to the notice of this Court that, a fresh representation submitted by the

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petitioner was considered by the respondent based on the Government Order Ms.No.210, Educational Department dated 14.08.2009 and the same was implemented by the Director of Elementary Education in proceedings dated 06.07.2013.

3. However, the petitioner is of the opinion that the revised scale of pay stipulated in the said G.O.Ms.No.210 has not been paid to the writ petitioner and therefore, the present contempt application is filed. Further, it is stated by the petitioner that his case was erroneously considered by the respondent and the benefit extended to other persons was not given to him, in respect of the revised scale of pay as per G.O.Ms.No.210.

4. The fact remains that this Court passed an order on 03.08.2011 and the respondent has passed an order implementing the said order of this Court in proceedings dated 06.07.2013. The present Contempt Petition is being filed on 11.06.2015, after a lapse of two years from the date of passing of the implementation order by the respondent and four years from the date of passing of the orders by this Court dated 03.08.2011.

5.Thus, there is a delay of four years from the date of the order passed in the writ petition and delay of two years from the date of passing of implementation order

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dated 06.07.2013. Even otherwise, this Court is of the opinion that, this Court has directed the respondent to consider the representation in the light of the above cited G.O. The respondent has also considered therepresentation and passed orders. If at all there is any grievance on the side of the petitioner, the same to be adjudicated by the petitioner on merits and in the manner known to law.

6. This Court cannot come to a conclusion that the respondent has committed Contempt of Court. Thus, this Court is of the opinion that the order passed by this Court has been complied with, by the respondent and there is no Contempt committed in this regard.

7. This apart, on the point of Limitation also the contempt petition has to be rejected, since the contempt petition is filed beyond the period of limitation, as prescribed under Section 20 of the Contempt of Courts Act, 1971, which reads as under:

> "20. Limitation for Actions for contempt: No court shall initiate any proceedings of contempt either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed. "

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8. Accordingly, the Contempt Petition stands closed. However there shall be no order as to costs.

SD/-
ASSISTANT REGISTRAR(O.S.1)

sts

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)

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CO/06/02/2018

one cc to the Government Pleader,SR.No.15609.

To

Secretary to Government of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai 600 009

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