

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM:

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

Contempt Petition No.2730 of 2013

1. S.Kittusamy

2. K.Kandasamy

3. M.Asaraf Ali

.... Petitioners

Vs.

Thiru Rameswara Murugan,
Director of Elementary Education,
College Road,
Chennai - 600 006.

... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for Contempt of the orders of this Court made in W.P.No.20187 of 2010, dated 04.08.2011.

For Petitioners : Mr.R.Saseetharan

For Respondent : Mr.K.Dhananjayan
special Government Pleader

O R D E R

The present Contempt petition is preferred against the order dated 04.08.2011 passed in W.P.No.20187 of 2010.

This Court passed an order on 04.08.2011 and the same is extracted hereunder:-
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"5. Therefore, the impugned order passed by the 4th respondent in WP.No.23172/2010 in his proceedings in A.Thi.Mu.1427/A2/10 dated 17.09.2010 and the impugned order passed by the 2nd respondent in WP.No.23770/2010 in his proceedings in O.Mu.No.4199/A4/2010 dated 18.08.2010 are hereby set aside and all the writ petitions are allowed. No costs.

6. It is made clear that the petitioners shall 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 the relief of awarding Special Grade scale of pay in the cadre or 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."

2. The learned counsel appearing for the writ

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petitioners made a submission that pursuant to the order passed by this Court cited supra, the writ petitioners had

submitted a fresh representation to the respondent and the same was considered and proceedings was issued dated 15.10.2012 by the respondent.

3. The grievances of the writ petitioner is that, though the respondent has passed an order, the same is not in consonance with the orders passed by this Court on 04.08.2011.

4. This Court had directed the respondent to consider the claim of the petitioners in accordance with G.O.Ms.No.210 dated 14.08.2009. However, the respondent has not considered the claim in accordance with the said G.O. and passed an order as per G.O.Ms.No.146 which is not connected with the claim of the writ petitioners.

5. This Court is of the opinion that as per the order dated 04.08.2011, this Court has directed the writ petitioners to submit a fresh representation to the respondent and on receipt of the same, the respondent shall consider the representation, with regard to the petitioners' claim for awarding Special Grade scale of pay in the cadre of Middle school Headmaster and by extending the benefits granted to the similarly placed candidates by

Department, dated 12.07.2010. In view of the above facts, the respondent has passed an order in proceedings dated 15.10.2012.

6. This Court is not inclined to hold that, the respondent has committed contempt with regard to the implementation of the order of this Court dated 04.08.2011. However, it is left open to the writ petitioners to adjudicate the same in the manner known to law.

1. Further, it is brought to the notice of this Court that the respondent has complied with the orders of this Court dated 04.08.2011 and issued a proceedings dated 24.06.2015 regarding the sanctioning of selections grade /special grade in the Primary School Head master's post and fixation of pay. If at all any grievance exists, in respect of the claim made by the writ petitioners, it is for the petitioners to redress their grievances in the manner known to law. However, considering the orders passed by this Court on 04.08.2011, this Court finds that no contempt can be initiated against the respondent and in respect of the merits and demerits of the matter, the same cannot be adjudicated in the contempt Petition.

8. With these observations, the Contempt Petition stands closed. No costs.

SD/-
ASSISTANT REGISTRAR (COMM. CASES)
msrm/sts

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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CO/30/01/2018

one cc to the Government Pleader, SR.No.15851.

One cc to Mr. R. Saseetharan, SR.No.279

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