

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.39 of 2010

1.V.Baby
2.J.K.Saroja
3.G.Pappa
4.A.Perinbaraj
5.V.Chellammal
6.AT.Saroja
7.B.Vaduvambal
8.C.Ruth Ranjitha Seeli
9.K.Savithri
10.B.Kasthuri

.. Petitioners

Vs

1.The Government of Tamil Nadu,
Rep. By the Secretary to Government,
School Education Department,
Fort St. George, Chennai - 9.

2.The Director of Elementary School Education,
College Road, Chennai - 6.

3.The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.

4.The Commissioner,
Pallavaram Municipality,
Chrompet, Chennai - 600 044.
5.The Assistant Elementary Education Officer,
Chitlapakkam, Chennai - 600 064.

6.The Additional A.E.O.,
Chitlapakkam, Chennai - 600 064.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to correctly calculate and pay interest calculated on compound basis on the Vth Pay Commission arrears from June 1989 onwards upto the date of actual payment to petitioners 1, 3

to 10 and the principal amount and upto date interest calculated on compound basis to the second petitioner within a time frame.

For petitioner : Mr.K.M.Ramesh
For R1 to 3, 5 & 6 : Mrs.P.Kavitha, GA
For R4 : Mr.L.S.M.Hasan Fizal,
Standing Counsel

ORDER

The petitioners have filed this writ petition seeking for a direction to the respondents to correctly calculate and pay interest calculated on compound basis on the arrears of Vth Pay Commission from 1989 onwards till the date of actual payment to the petitioners.

2. Heard the learned counsel appearing on either side.

3. It is seen from the typed set of papers filed by the petitioners that even in the year 2005, the petitioners have filed a writ petition No.39221 of 2005, seeking a direction to the respondents to pay the Vth Pay Commission arrears of pay in the revised scale with interest and all other consequential benefits. This Court, by order dated 13.03.2008, directed the Commissioner of Pallavaram Municipality, Chennai, to deposit a sum of Rs.1,37,596/- with the Assistant Elementary Education Officer, Chitlapakkam, Chennai/fifth respondent therein, and on such deposit, the fifth respondent therein was directed to pay the entire amount to the petitioners within a period of two weeks.

4. Since the above said order passed by this Court was not complied with, the petitioners filed Contempt Petition No.1025 of 2008 praying to punish the respondents for committing the contempt of Court. This Court, by order dated 19.01.2009, recording the submission of the learned Government Advocate stating that a sum of Rs.1,37,596/- has already been deposited with the fifth respondent therein with a direction to the said authority to disburse the said sum to the petitioners, closed the contempt petition. Thereafter, the petitioners were under the bonafide impression that the fifth respondent would take steps to disburse the said sum, but, unfortunately, although the fifth respondent has paid the principal amount, the said authority has not disbursed the interest amount to the petitioners. Therefore, the petitioners have filed the present

writ petition with a prayer cited supra.

5. But, this Court is unable to entertain the writ petition, for the reason that if the order dated 19.01.2009 passed in Cont.P.No.1025 of 2008, was not complied with as recorded by the Court, the petitioners should have moved an application to reopen the contempt petition. But, without doing so, filing of the present writ petition seeking very same prayer is not maintainable. Hence, on this count, the writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rkm

To

- 1.The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 9.
- 2.The Director of Elementary School Education,
College Road, Chennai - 6.
- 3.The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.
- 4.The Commissioner,
Pallavaram Municipality,
Chrompet, Chennai - 600 044.
- 5.The Assistant Elementary Education Officer,
Chitlapakkam, Chennai - 600 064.
- 6.The Additional A.E.O.,
Chitlapakkam, Chennai - 600 064.

+1cc to Mr.K.M.Ramesh, Advocate SR.19363
+1cc to the Government Pleader SR.19767

W.P.No.39 of 2010

VD(CO)
CB(18/06/2020)