



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Cont.P(MD)No.469 of 2020

in

CMP(MD)No.1265 of 2020 in WA(MD)No.179 of 2020

Augustin Devaseelan ... Petitioner/Petitioner/Appellant

Vs.

1.Mr.Dheeraj Kumar, IAS,
The Secretary,
Department of School Education,
State of Tamil Nadu
Secretariat,
Fort St. George,
Chennai-9.

2.Mr.D.Manoharan,
The Chief Educational Officer,
Thoothukudi.

3.Mrs.Vasanthi
The District Educational Officer,
Thoothukudi,
Thoothukudi District. ...Contemnors/Respondents/ Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the contemnors/respondents herein for willfully and deliberately committing contempt of Court by willfully disobeying the order of this Court passed in C.M.P.(MD).No.1265 of 2020 in W.A.(MD).No.179 of 2020, dated 06.02.2020.

Prayer in CMP(MD). 1265 of 2020 :

To stay operations and all the further proceedings of the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.3676/A3/2019 dated 30.8.2019 pending writ appeal.

Prayer in WA(MD). 179 of 2020 :

To against the order dated 25.11.2019 passed in WP(MD).



Prayer in WP(MD). 19370 of 2019 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to the order passed by the 3rd respondent in his proceedings in Na.Ka.No.3676/A3/2019, dated 30.8.2019 and quash the same as illegal and consequent direction may be issued to the respondents to continue the petitioner duty as Secondary Grade Teacher in Panchayat Union Primary School, Therku Valavallan, Srivaikuntam Block.

For Petitioner : Mr.T.A.Ebenezer
For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner made a challenge to the order of re-deployment by filing a writ petition in W.P.(MD).No.19370 of 2019. Vide order dated 25.11.2019, the writ petition filed by the petitioner as well as similar writ petitions were dismissed by this Court by a common order. Aggrieved by the same, the present Writ Appeal is filed and pending disposal of the same, vide interim order dated 06.02.2020, the original order of re-deployment dated 30.08.2019 came to be stayed.

2.The learned counsel appearing for the petitioner would submit that in the light of the interim order, the petitioner should have been allowed to join duty in the erstwhile post and alleging disobedience, willful default and non-compliance of the order, he came forward with this contempt petition.

3.A perusal of the affidavit filed in support of the writ petition would disclose that as against the impugned order dated 30.08.2019, the writ petition came to be filed only on 03.09.2019 and in the interregnum, nothing has been averred as to the state of affairs. In the affidavit filed in support of the writ petition, the status of the petitioner after the impugned order also has not been stated.

4.The grievance expressed by the petitioner is that he has not been paid with any salary sofar.

5.It is to be noted at this juncture that the petitioner suffered with an adverse order and challenging the same, a writ appeal has been filed and in the considered opinion of this Court, if the petitioner ultimately succeeds in the writ appeal, he is always entitled to all consequential service benefits.

<https://hcservices.recourts.gov.in/hcservices/>

6.Therefore, the contempt petition is closed. The Registry



is directed to accord priority and list the writ appeal in the second week of August, 2020.

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Sd/-

Assistant Registrar (CS-II)

/ /2020

Sub Assistant Registrar (CS)

vs/gns

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

- 1.Mr.Dheeraj Kumar, IAS,
The Secretary,
Department of School Education,
State of Tamil Nadu
Secretariat,
Fort St. George,
Chennai-9.
- 2.Mr.D.Manoharan,
The Chief Educational Officer,
Thoothukudi.
- 3.Mrs.Vasanthi
The District Educational Officer,
Thoothukudi,
Thoothukudi District.

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VB (22.07.2020) 3P 4C