



WEB COPY

Cont.P.No.1096 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

Cont.P.No.1096 of 2020

S.Paul Asir,
No.62, ARG Nagar,
5th Street, Winterpettai,
Arakonam,
Vellore District – 631 005

... Petitioner

Vs.

1. Mr.G.Sanmugavel,
District Educational Officer,
Central Chennai,
Saidapet, Chennai – 600 015

2. Mrs.Hepzibah Francis,
The Correspondent,
Csi St. Ebba's Higher Secondary School
(Aided Christian Minority Institution)
Mylapore, Chennai - 4

... Respondents

Prayer: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent for willful disobedience of Order passed in W.P.No.19163 of 2019 dated 06.11.2019 by this Court.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.S.Suresh Kumar
Government Advocate for R1
Mrs.A.Arulmary
for Father Xavier Associates for R2

ORDER

(This case has been heard through video conference)

This Contempt Petition has been filed to punish the respondent for

~~willful disobedience of Order passed in W.P.No.19163 of 2019 dated~~



06.11.2019 by this Court.

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2. The petitioner filed the Writ Petition for directing the respondents to immediately disburse the terminal benefits such as retirement fund, pensionary benefits, incentives and other service benefits to the petitioner on par with the other BT Assistants. Based on the petitioner's representation, this Court by an order dated 06.11.2009, issued a direction to the seventh respondent to send necessary proposal to the third respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent was directed to pass appropriate orders. Alleging that the order has not been complied with by the third respondent, the present contempt petition is filed.

3. The learned Government Advocate submits that the petitioner was orally instructed to submit the family photo and signature in the forms. The petitioner has not complied with the same. Thereafter, notice was issued and the petitioner was called upon to submit the family photo and signature in the forms. Even thereafter, the petitioner has not come forward to submit the application for disbursing the terminal benefits of BT Assistant.

4. In reply, the learned counsel for the petitioner submits that the petitioner filed Writ Petition for terminal benefits of BT Assistant. The petitioner sent representation dated 25.11.2019 to the respondents to comply



the order of this Court. The respondent has not complied the order. Hence, the petitioner sent a legal notice dated 05.03.2020 to the respondents. Even then, the respondent has not complied with the order passed.

5. Considering the facts and circumstances as placed before this Court, the seventh respondent in compliance of the directions of this Court, had forwarded the necessary proposal to the third respondent and in turn the petitioner was called upon to submit necessary particulars, which the petitioner has failed to produce. In such a backdrop, there is no wilful disobedience of the order passed by this Court.

Accordingly, this Contempt Petition is dismissed. However, it is open to the petitioner to submit the requisite particulars, which have been sought for by the third respondent and on submission of the same the respondent shall pass appropriate orders in accordance with law.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

dh

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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Gs/30/06/2021



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To
The District Educational Officer,
Central Chennai,
Saidapet, Chennai – 600 015