



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.01.2021

CORAM:

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

Cont.P.(MD).No.384 of 2020

in

W.P.(MD).No.3936 of 2008

D.Michael Raj

... Petitioner/Writ Petitioner

Vs.

1.C.Jothi Venkateswaran,
Director of Collegiate Education,
College Road,
Nungambakkam,
Chennai -6.

2.K.S.Meena,
Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

... Contemnors/Respondents 2 and 3

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Court Act, 1971, to punish the respondents herein for their wilful disobedience of the order passed by this Court in W.P.(MD). No.3936 of 2008, dated 06.10.2016.

Prayer in WP(MD). 3936/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus or any other appropriate writ, or order, or direction, in the nature of writ, calling for the respondent pertaining to the impugned order passed by the 2nd respondent in Mu. Mu.No. 36066-B1-2005 dated 26/10/2005 and the consequentil order passed by the 3rd respondent in O.Mu.No.12554/E3/06, dated 17.11.2006, quash the same and direct the respondents to sanction 5% special pay and advance increment for passing of Accounts Test-part I to the petitioner

For Petitioner

: Mr.M.Saravanan

For Respondents

: Mr.C.M.Marichelliah Prabhu

Additional Government Pleader

O R D E R

The contempt petition has been filed alleging disobedience of the order made in W.P.(MD).No.3936 of 2008, dated 06.10.2016, by the contemnors/respondents.

2. The case of the petitioner is that he joined as a Lab
<https://hcservices.ecourts.gov.in/hcservices/>



Assistant in St.Xavier's College, Palayamkottai and his appointment was approved by the authorities. Thereafter, he was promoted as Junior Assistant and he has passed the Account Test Part - I in the year 2006. Therefore, he is entitled to receive 5% special pay. The College has sent a proposal to the second respondent for sanctioning the above said benefit. However, the second respondent, by proceeding dated 17.11.2006, returned the proposal stating that the petitioner is not eligible for 5% special pay and advance increment, based on the Circular issued by the first respondent dated 26.10.2005. Challenging the proceedings issued by the first respondent dated 26.10.2005, as well as the order passed by the second respondent, dated 17.11.2006, the petitioner has filed a writ petition in W.P.(MD).No.3936 of 2008. This Court, by order dated 06.10.2016, allowed the writ petition and set aside the impugned orders. However, the respondents have not complied with the above said order. Hence, the present Contempt Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has filed the writ petition challenging the order dated 17.11.2006, returning the proposal sent by the College for payment of 5% special pay and in the present case, no recovery order was passed. However, the petitioner's representation dated 17.04.2017, has not been considered by the respondents and they have deliberately disobeyed the order of this Court.

4. Considering the facts and circumstances of the case, this Court has perused the order dated 24.01.2010, which was followed by this Court in the present writ petition. A perusal of the above said order makes it clear that the recovery order was challenged in the writ petition and the said recovery order was quashed. However, there is no consequential direction to pay 5% special pay to the employees therein. In the present case, no recovery order was challenged and the proceedings of the second respondent dated 17.11.2006 was challenged and this Court has not passed any orders with regard to the payment of 5% special pay to the petitioner. Hence, no contempt arises for consideration and this Contempt Petition is closed.

Sd/-

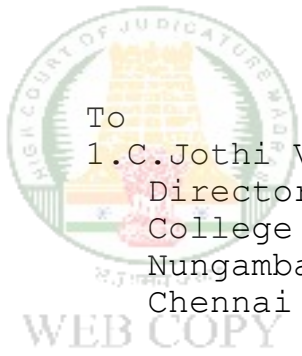
Assistant Registrar (Crl Side)

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/ /2021

Sub Assistant Registrar(CS)

akv



To
1.C.Jothi Venkateswaran,
Director of Collegiate Education,
College Road,
Nungambakkam,
Chennai -6.

2.K.S.Meena,
Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-1752[F] dated 22/01/2021)

+1 CC to M/s.SPL GP (SR-2163[F] dated 27/01/2021)

Cont.P. (MD) .No.384 of 2020

in

W.P. (MD) .No.3936 of 2008

22.01.2021

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