



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cont.P.(MD)No.811 of 2021

R.Mercy Anjela

... Petitioner

versus

Mr.Shanmugam Muthaiah,
The District Educational Officer,
The Office of the District Educational Officer,
Thirupatthur,
Sivagangai District.

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for the willful disobedience of the order passed by this Court in W.P.(MD)No.15896 of 2020 dated 18.02.2021.

Prayer in WP(MD). 15896/ 2020 :

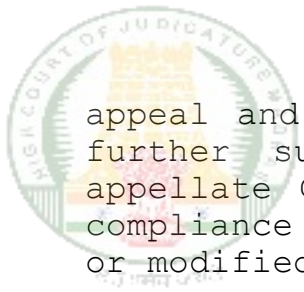
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-33 To issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order made in Na.Ka.No. 5168/A5/2019 dated 17.03.2020 on the file of the 2nd respondent and to quash the same as illegal and arbitrary and consequently direct the Respondents 1 to 3 herein to confer the petitioner with Seven annual increments for her Service period from 2013 to 2020 as B.T.Assistant (Tamil) in the 4th respondent School with entire arrears along with interest at the rate of 12 precentage per annum and further direct the respondents to continue to pay the future increments from 2021 without any defult and thus render justice.

For Petitioner : Mr.M.Thirunavukkarasu
For Respondent : Mr.A.Kannan,
Additional Government Pleader

ORDER

Today, when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondent submits that as against the order passed by this Court in W.P.(MD)No.15896 of 2020 dated 18.02.2021, the respondent has preferred a writ appeal in W.A.(MD)No.1034 of 2021, wherein, a Division Bench of this Court has taken cognizance of the appeal and ordered notice and Mr.M.Thirunavukkarasu, learned counsel for the writ petitioner has taken notice in the writ appeal.

2. Mr.M.Thirunavukkarasu, learned counsel for the petitioner submits that though W.A.(MD)No.1034 of 2021 has been filed, the Appellate Court has not granted any interim relief in the writ



appeal and therefore, this contempt petition is still lying. He further submits that mere pendency of the appeal before the appellate Court will not bar the Court to issue contempt for non-compliance of the order, which is not stayed by the appellate Court or modified by the same Court.

3. The fact remains that the appellate Court has taken cognizance of the appeal filed by the respondent and also ordered notice. Since the appellate Court has taken cognizance of the appeal, this Court is not inclined to pass any further order in the contempt petition.

4. Accordingly, the Contempt Petition is closed at this stage. The petitioner could approach this Court depending upon the outcome of the writ appeal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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TO

The District Educational Officer,
The Office of the District Educational Officer,
Thirupatthur,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-34580[F] dated 16/11/2021)

Cont.P.(MD)No.811 of 2021
15.11.2021

NSN(CO)
KB(10.12.2021) 2P 3C