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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

Cont.P.(MD)No. 1351 of 2020
in
W.P.(MD).No.8592/2009

S.Paramasivan ... Petitioner/Writ Petitioner

-vs-

1.Dr.Pradheep Yadhav,
The Secretary to the State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.Dr.Kannapan,
The Director of School Education,
College Road, Chennai - 600 006.

3.Raman,
The Chief Educational Officer,
Nagercoil - 629 001,
Kanyakumari District.

4.Mohanan,
The District Educational officer,
Nagercoil - 629 001.
Kanyakumari District.

5.M.Sudalai,
The District Educational Officer,
Cheranmahadevi at Tirunelveli,
Tirunelveli District. ...Contemnors/Respondents

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act praying to punish the Respondents/Contemnors herein for his deliberate and willful disobedience of the Order of this Court dated 17.04.2018 in W.P. (MD) No.8592 of 2009.

Prayer in WP(MD). 8592 of 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARI calling for the records relating to the impugned proceedings issued by the 1st Respondent State Government vide G.O.Ms.No.(ID) 276 (School

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Education (M2) Department) dated 23.07.2009 instructing the 2nd respondent Director of School Education to dismiss the petitioner from service as Junior Assistant, QUASH THE SAME.

For Petitioner : Mr.K.Ragatheesh Kumar
for Isaac chambers
For Respondents : Mr.D.Gandhiraj
Counsel on behalf of the
Government of Tamil Nadu

ORDER
(through vide conference)

Heard Mr. K. Ragatheeshkumar, Learned Counsel for the Petitioner and Mr. D. Gandhiraj, Learned Counsel representing the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Contempt Petition has been filed stating that the Respondents have failed to comply with the order dated 17.04.2018 in W.P. (MD) No.8592 of 2009 that has been passed by this Court.

3. It is accepted that in the order in Na.Ka. No. 7403/A1/2009, dated 13.08.2019, the Chief Educational Officer, Kanyakumari has sanctioned the annual increments to the Petitioner and has paid the arrears amounting to Rs. 14,35,607/- on 24.12.2019, which has been placed on record. Further, the services of the Petitioner have been regularised by order in Na.Ka.No.4783/A1/2018 dated 05.04.2021.

4. The Learned Counsel for the Petitioner contends that it is only after extending the entire monetary benefits for Selection Grade and Special Grade, it can be said that the order passed by this Court in the Writ Petition has been fully complied.

5. In this context, the Learned Counsel for the Respondents refers to para 5 and 6 of the counter affidavit in July 2021 filed by the Fourth Respondent in which it has been stated as follows:-

> "5. I submit that as per conditions of regularization and as per the Tamil Nadu Ministerial Service Rules, he has to undergo the Basic Training in Ministerial matters and then only he can be declared to have completed his period of probation and selection grand and special grade can be awarded on the basis of completion of probation. Arrangements are being taken to depute him to undergo Basic Tranining at Bhavanisagar. Due to Pandamic COVID 19, the process is being delayed.
>
> 6. I submit that as per orders of this Court in W.P. (MD) No. 8592 of 2009 dated 17.04.2018 the services of the

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petitioner have been regularized by in an order dated 05.04.2021 made in Na.Ka.No.4783/A1/2018 of the Chief Educational Officer, Tirunelveli. Moreover, in an order dated 13.08.2019 made in Na.Ka.No.7403/A1/2009 of the Chief Educational Officer, Kanyakumari Annual Increments have also been sanctioned and arrears have drawn and paid to the petitioner to the tune of Rs.14,35,607/-. Necessary entries have been recorded in the Service Book of the Petitioner. I submit that except the selection and special grade are still pending for the reasons detailed in para 5 above, and will be sanctioned in due time. As on now nothing survives in the petition."

It is evident from the aforesaid materials placed on record that the claim of the Petitioner for sanction of Selection Grade and Special Grade would be made only after he undergoes the required training and satisfies the other requirements stipulated in the rules for the same. In any event, the controversy involved in the Writ Petition did not relate to the sanction of Selection Grade and Special Grade though it would be one of the consequential benefits that would follow for the relief granted. In such circumstances, it would not be necessary to keep the Contempt Petition pending till Special Grade and Selection Grade is sanctioned to the Petitioner as claimed by him.

6. It is made clear that if the Petitioner still has any grievance in this regard, he may work out his remedies for the same before the proper forum in accordance with law.

7. The Contempt Petition is closed with the aforesaid clarification.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

1.Dr.Pradheep Yadhav,
The Secretary to the State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.Dr.Kannapan,
The Director of School Education,
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The District Educational Officer,
Cheranmahadevi at Tirunelveli,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-21970[F] dated 09/07/2021)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-21919[F] dated 09/07/2021)

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