



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cont P(MD).No.1730 of 2019

G.Subramanian

... Petitioner/Petitioner

Vs.

1.Mangat Ram Sharma
The Secretary,
Department of Higher Education,
Fort St.George, Chennai-600 009.

2.Jothi Venkateswaran
The Director of Collegiate Education,
College Road, Chennai-600 006.

3.Baskaran
The Joint Director of Collegiate Education,
Madurai Region, Madurai-625 020.

4.T.R.Dhinakaran
The Secretary
Sri S.Ramasamy Naidu Memorial College,
Sattur,
Virudhunagar District.

... Contemnors/Respondents

Prayer: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the respondents herein for their deliberate and wilful disobedience of the order of this Court dated 18.09.2014 in Writ Petition (MD)No.3152 of 2009 amounting to contempt of Court.

Prayer in WP(MD). 3152/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 2nd respondent Director of Collegiate Education in Mu.Mu.No.21256/Q4/2000 dated 17.1.2002 and the subsequent proceedings in O.Mu.No.29505/G2/2002 dated 23.2.2004 refusing approval to the appointment of the petitioner as Lecturer in Computer Science in the 4th respondent college, quash the same and further direct the 2nd and 3rd respondents herein to approve forthwith the appointment of the petitioner as Lecturer in Computer Science in the 4th respondent College w.e.f. the date of his appointment is 08.04.1996 and disburse the grant-in-aid towards his salary and allowances.

For Petitioner	: Mr.K.Regatheesh Kumar
For R1 to R3	: Mrs.S.Srimathy Special Government Pleader
For R4	: Mrs.D.Geetha



O R D E R

For non-compliance of the order of this Court, dated 18.09.2014, made in W.P(MD)No.3152 of 2009, this Contempt Petition is filed.

2.As per the direction of this Court, the petitioner was reinstated and his salary was paid. However, the grievance of the petitioner is that the arrears of salary for the period from 01.10.2014 to 28.11.2017 was not paid to the petitioner. Hence, the present Contempt Petition is filed.

3.The learned counsel appearing for the third respondent submitted that this Court while entertaining the writ petition, has granted an order of interim stay. As against the order dated 18.09.2014, the State has preferred Writ Appeals in W.A(MD)Nos.36 and 37 of 2017 before the Division Bench of this Court and the same was dismissed, on 07.04.2017. Against which, they have filed Special Leave Petitions in S.L.P.Nos.27247, 27248 and 28533 of 2017 before the Hon'ble Apex Court and the same was dismissed on 30.10.2017 and 24.11.2017 respectively. Thereafter, the petitioner was allowed to join duty on 29.11.2017.

4.However, as per clause (iv) in paragraph No.33 of the order dated 18.09.2014, this Court makes it clear that for the period between 16.08.2007 and the date of reporting for duty as per direction No.1, the pay scale and other monetary benefits of the petitioner shall be notionally calculated for the purpose of fixing the future salary and for this period, the petitioner shall not be entitled for arrears of salary and other monetary benefits. Therefore, the petitioner is not entitled for the arrears of salary for the period between 16.08.2007 and the date of reporting for duty.

5.Admittedly, the petitioner has joined duty on 29.11.2017 and therefore, the claim of the petitioner is misconceived. However, the petitioner is entitled to continuity of service notionally from 08.04.1996 to 16.08.2007. Hence, this Contempt Petition is dismissed.

Sd/-

Assistant Registrar (Cs-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1.Mr.Mangat Ram Sharma
The Secretary,
Department of Higher Education,
Fort St.George, Chennai-600 009.

2.Mr.Jothi Venkateswaran
The Director of Collegiate Education,
College Road, Chennai-600 006.

3.Mr.Baskaran
The Joint Director of Collegiate Education,
Madurai Region, Madurai-625 020.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-9737[F] dated
09/03/2021)

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SVN(CO)
KB(25.03.2021) 3P 5C