



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CONT P.(MD)No.939 of 2020
in
W.P(MD)No.8355 of 2019

R.Retna Shahila Rani ... Petitioner / Petitioner

Vs.

Mr.K.Ramachandra Nair,
District Educational Officer,
Thuckalay Educational District,
Kanyakumari District. ... Contemnor / 1st Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents / contemnors under Section 11 of the Contempt of Courts Act, 1971, for disobeying and defying the order dated 26.04.2019, passed in W.P.(MD)No.8355 of 2019, on the file of this Court, in accordance with law.

Prayer in WP(MD) . 8355/ 2019 :

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 entire records pertaining to the impugned order in Na.Ka.No.187/A/2018 dated 05.03.2019 passed by the 2nd respondent and quash the same as illegal and consequently direct the 1st and 2nd respondents to re-fix the petitioners salary as on 01.07.2017 on par with junior Smt.L.C.Vijila and to grant all other benefits there from, on the basis of her representation dated 13.11.2018.

For Petitioner :Mr.P.M.Vishnuvarthanan

For Respondent :Mr.G.Vairam Santhosh
Additional Government Pleader



O R D E R

Alleging disobedience of the orders passed by this Court in W.P.(MD)No.8355 of 2019, the petitioner is before this Court with the present Contempt Petition.

2. This Court passed an order on 28.04.2019 in W.P.(MD)No.8355 of 2019 as follows:-

"8. In the result, the first respondent is directed to rectify the pay anomaly in respect of the petitioner and accordingly, step up her pay on par with her junior, who is getting higher pay irrespective of the place of joining office at the first instance, after selection to the post of Teacher and after calculating the same, the difference of pay shall be paid to the petitioner and the needful shall be done, within a period of six weeks from the date of receipt of a copy of this order.

9. With the above directions, the Writ Petition stands allowed. No. Costs "

3. The respondents preferred a Writ Appeal in W.A(MD)No.828 of 2021 and the Hon'ble Division Bench of this Court passed an order on 15.04.2021 as follows:-

"8. Accordingly, while confirming the order passed in the writ petition quashing the impugned order therein, we give liberty to the appellant department to consider the case of the respondent-teacher based on the Tamil Nadu Revised Pay Rules 2017, in accordance with law and if so advised, by taking into account the relevant Government Orders. Accordingly, order in the Writ Petition is confirmed.

9. The Writ Appeal stands dismissed with the aforementioned observation and consequently, the connected miscellaneous petition is closed."

4. Pursuant to the above orders of this Court, the respondents passed an order in proceedings dated 07.09.2021. The said order of implementation reveals that the authority has taken note of the orders passed in the Writ Petition as well as the order passed by the Division Bench in the Writ Appeal.

5. The Hon'ble Division Bench of this Court, while confirming the orders passed in the Writ Petition, granted liberty to the

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appellant Department to consider the case of the respondent / teacher, based on the Tamil Nadu Revised Pay Rule 2017, in accordance with law and if so advised, by taking into account the relevant Government Orders. Therefore, the direction given by this Court in the Writ Petition has been modified and the respondents are directed to consider the case of the respondent / teacher based on the Tamil Nadu Revised Pay Rules 2017, in accordance with law. Accordingly, the respondents, have considered the merits of the case and made a reference regarding the other teacher Smt.L.Vigila. Based on the comparison, a decision is taken and accordingly, the order has been passed. Thus, this Court is of the opinion that the respondent has not committed any Contempt of Court and the order of implementation is in consonance with the direction issued by the Hon'ble Division Bench of this Court. Accordingly, the Contempt Petition stands closed.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MPK

To

Mr.K.Ramachandra Nair,
The District Educational Officer,
Thuckalay Educational District,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-8746[F] dated 25/02/2022)

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MGJ(07.03.2022) 3P 3C