



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cont.P.(MD)No.1794 of 2021

Esther Ruby

... Petitioner/Petitioner

versus

Mr.Monikandan,
The Headmaster,
Government Higher Secondary School,
Kollancode,
Kanyakumari District.

... Contemnor/Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent/contemnor under Section 11 of Contempt of Courts Act, 1971 for disobeying and defying the order dated 26.08.2021 passed in W.M.P.(MD)No.12205 of 2021 in W.P.(MD)No.15308 of 2021.

Prayer in WMP(MD). 12205 OF 2021 :

To pass an order of Interim Stay of the impugned order of recovery passed by the 4th respondent in Na.Ka.No.25/2021 dt. 02.08.2021, pending disposal of the above writ petition.

Prayer in WP(MD). 15308 OF 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the entire record pertaining to the impugned order of recovery passed by the 4th respondent in Na.Ka.No.25/2021 dt. 02.08.2021, calling the petitioner to refund the incentive received for M.A., from 20.12.2010 and quash the same as bad-in-law.

For Petitioner	:	No appearance
For Respondent	:	Mr.J.Ashok, Additional Government Pleader

ORDER

The Contempt Petition is filed as against the interim order passed by this Court in W.M.P.(MD)No.12205 of 2021 in W.P.(MD)No.15308 of 2021, dated 26.08.2021.

2. This Court, while entertaining the writ petition, by order dated 26.08.2021, passed an order of interim stay of recovery alone.

3. The grievance of the petitioner is that pursuant to the interim order passed by this Court, the respondents have not paid the incentive increment to the petitioner.



4. The learned Additional Government Pleader submits that the petitioner was provided with incentive increment recently and the same was cancelled by the order impugned in the writ petition and the amount, which was already paid for incentive increment, was recovered, against which, the petitioner has preferred the writ petition and the same is still pending. However, while entertaining the writ petition, this Court, by order dated 26.08.2021, stayed the order of recovery alone. Pursuant to the order of this Court, they have not taken steps to recover any amount from the petitioner. However, the incentive increment, which was provided to the petitioner, was already cancelled and it is the subject matter of the writ petition. Therefore, no Contempt of Court is made out in this case.

5. This Court accepts the arguments made by the learned Additional Government Pleader appearing for the respondents. Accordingly, the contempt petition is closed. No costs.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.SPL.GP (SR-3148[F] dated 31/01/2022)

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