



Cont.P.(MD)No.475 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

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Tamil Nadu Judicial Magistrate Service,
Retired Employees Association,
Rep. by its former President,
4/468, Thiru Vi.Ka. Street,
Thasildar Nagar,
Madurai – 20.

... Petitioner

Vs.

Dr.Niranjan Mardi, IAS,
The Principal Secretary to Government,
Home (Court V) Department,
Fort St. George, Chennai – 9.

... Respondent

PRAYER : Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for wilfully disobeying the order in W.P.(MD)No.3387 of 2010, dated 18.03.2010.

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For Petitioner : Mr.A.John Vincent
For Respondent : Mr.K.Balasubramani,
Spl. Govt. Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Contempt Petition is filed to punish the respondent for willful disobedience of the order of this Court dated 18.03.2010, made in W.P.(MD)No. 3387 of 2010.

2. Challenging the G.O.Ms.No.1083, Home (Courts V) Department, dated 18.12.2009 and also seeking for consequential direction to the first respondent therein, to fix revised scale of pay of Rs.1820-60-2300-75-3200 with retrospective effect from the date of implementation of the orders issued in G.O.Ms.No.416, dated 11.03.1993 and consequently to fix a revised scale of pay of Rs.5900-200-9000 with retrospective effect from 01.01.1996 as recommended



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by the 2nd respondent in its proposal to the 1st respondent in R.O.C.No.73/C/G2, dated 13.05.2004 and 19.07.2004, the petitioner has filed the aforesaid Writ Petition.

3. The Division Bench of this Court, by order dated 18.03.2010, set aside the impugned order and consequently, allowed the writ petition, by directing the 1st respondent to carryout and implement the directions of this Court passed in W.P.No.8371 of 1998, dated 07.02.2002, by passing appropriate orders and fix separate time scale of pay for the posts falling under category II in the Judicial Ministerial Service as per the principles laid down in Rule 6(a) (v) under the post classified in Clause IV of Tamil Nadu Judicial Ministerial Service Rules and the 1st respondent is directed to carry out the above said exercise expeditiously, preferably within four weeks from the date of receipt of copy of that order. As against the said order, the respondent has preferred an appeal before the Hon'ble Supreme Court in C.A.No.(S).10532 of 2011 and the said appeal was dismissed by the Hon'ble Supreme Court on 12.05.2016. Thereafter, the respondent has issued a Government Order in G.O.(MS)No.273, Home



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(Cours-V) Department, dated 31.03.2017, by revising the scale of pay for the posts falling under Category II in the Judicial Ministerial Service (ie., Sheristardars of Subordinate Judges' Courts, Head Clerks of District Courts and Central Nazirs) from Rs.1600-2660 to Rs.1700-60-2480-75-3005 notionally with effect from the date of issue of G.O.(MS)No.416, Home (Courts-V) Department, dated 11.03.1993 with corresponding revised scale of pay of Rs. 5700-175-9200 with monetary benefit from the date of orders of this Court in W.P.(MD)No.3387 of 2010, i.e., 18.03.2010 in relaxation of G.O.(MS)no.200, Finance (CMPC) Department, dated 10.07.2015. Being aggrieved by the aforesaid Government Order, the petitioner has filed this Contempt petition.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent and perused the materials available on records.

5. On a perusal of the records, it is seen that pending the contempt petition, the Government has passed yet another Government Order in G.O.



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(Ms).No.185, Home (Courts-V) Department, dated 23.04.2020, revising the scale of pay for the posts falling under Category II in the Judicial Ministerial Service, from Rs.1600-2660 to Rs.1700-60-2480-75-3005 notionally with effect from the date of issue of G.O.(MS)No.416, Home (Courts-V) Department, dated 11.03.1993, with corresponding revised scale of pay of Rs.5700-175-9200 with monetary benefit from the date of orders of this Hon'ble Court (18.03.2010) in relaxation of G.O.(Ms) No.200, Finance (CMPC) Department, dated 10.07.2015. We are of the view that the petitioner has not filed any contempt petition for non-compliance of the order passed by this Court in W.P.No.8371 of 1998, dated 07.02.2002. However, the respondent has filed a Review Application to review the above said order and this Court, dismissed the said Review Application with liberty to the respondent to file an appeal. Hence, the respondent has filed a Special Leave Petition before the Hon'ble Supreme Court of India and by order dated 04.01.2008, the Hon'ble Supreme Court of India dismissed the Special Leave Petition, on the ground of delay.



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6. In the Writ Petition in W.P.(MD)No.3387 of 2010, the petitioner seeks for a consequential direction to the respondent to fix a revised scale of pay of Rs.5900-200-9000 with retrospective effect from 01.01.1996 as recommended by the 2nd respondent therein viz., the Registrar General, High Court Madras in its proposal to the 1st respondent in R.O.C.No.73/C/G2, dated 13.05.2004 and 19.07.2004. However, the respondent in G.O.(Ms)No.185, Home (Courts – V) Department, dated 23.04.2020 has granted the monetary benefit from the date of issuance of order of this Court dated 18.03.2010, made in W.P.(MD)No.3387 of 2010. Therefore, we are of the view that no contempt is made out as against the respondent. If the petitioner is aggrieved by the G.O.(Ms)No.185, Home (Courts – V) Department, dated 23.04.2020, liberty is given to the petitioner to challenge the said Government Order.

7. With the above observations, this Contempt Petition is closed. No costs.

vsm

[D.K.K., J.] [R.V., J.]
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To

The Principal Secretary to Government,
Home (Court V) Department,
Fort St. George, Chennai – 9.



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