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Contempt Petition No. 2127 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

Contempt Petition No. 2127 of 2023

N.Ganesan

... Petitioner

-VS-

1. Mrs. Kakarla Usha,
The Secretary,
Education Department,
Secretariat, Fort St.George,
Chennai – 600009.
2. Mr. Ramasamy,
The Joint Director of School Education,
D.P.I. Compound, College Road,
Chennai – 600006.
3. Mrs. R.Thiruvalarselvei,
The Chief Educational Officer,
Saidapet, Chennai – 600015.
4. Mr. Jeyapra Babu,
The District Educational Officer,
Chennai East, Choolaimedu High Road,
Chennai – 600094.
5. Thiru. Achal Krishnaswamy,
The Secretary,
The Hindu Higher Secondary School,
No.149 Big Street,
Triplicane, Chennai – 600005.
6. Shri. K.P.Anand,
The Accountant General (A&E),
Tamil Nadu, 361 Anna Salai,



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Teynampet,
Chennai – 600018.

... Respondents

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Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the First to Sixth Respondents herein under Section 11 of Contempt of Courts Act, for having willfully disobeyed the order dated 11.08.2022, and made in W.P. No. 5454 of 2016.

For Petitioner : Mr. C.Johnson

For Respondents : Mr. U. Baranidharan,
Additional Government Pleader
(for R1 to R4)

Mr. R.Lakshmi Narasimhan (for R5)

Mrs. Hema Muralikrishnan (for R6)

ORDER

Heard Mr. C.Johnson, Learned Counsel for the Petitioner, Mr. U. Baranidharan, Learned Additional Government Pleader appearing for the First to Fourth Respondents, Mr. R.Lakshmi Narasimhan appearing for the Fifth Respondent and Mrs. Hema Muralikrishnan appearing for the Sixth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



2. This Contempt Petition is prosecuted for failure of the Respondent to comply with the order dated 11.08.2022 in W.P. No. 5454 of 2016 passed by the Court, which reads as follows:-

“10. In view of the foregoing discussion, the following order is passed:-

(i) the First to Fourth and Sixth Respondents shall pay interest at the rate and in the manner provided in Rule 45-A of the Tamil Nadu Pension Rules, 1978, for the delayed payment of death-cum-retirement gratuity for the period from 31.03.2014 to 02.02.2015;

(ii) the First to Fourth and Sixth Respondents shall pay interest at the rate of 6% per annum on pension payable to the employee for each month on the respective dates on which it falls due for the period from 31.03.2014 to 14.04.2015;

(iii) the First to Fourth and Sixth Respondents shall pay interest at the rate of 6% per annum on provident fund for the period from 31.03.2014 to 20.11.2014;

(iv) the First to Fourth and Sixth Respondents shall pay interest at the rate of 6% per annum on commutation of pension for the period from 31.03.2014 to 14.04.2015;



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(v) *the First to Fourth and Sixth Respondents shall pay interest at the rate of 6% per annum on encashment of earned leave and leave of private affairs for the period from 31.03.2014 to 14.10.2015; and*

(vi) *the amount remaining due in terms of clauses (i) and (iv) supra shall be paid to the Petitioner along with a working-sheet showing its calculation under written acknowledgment and the report of compliance shall be filed by 31.12.2022 before the Registrar (Judicial) of the Court.*

11. *Since it is contended by the First to Fourth and Sixth Respondents that the delay in payment of terminal benefits of the Petitioner had been occasioned on account of lapses on the part of the Fifth Respondent in sending the proposals in time, it is made clear that if it is intended to re-compense the liability incurred in that regard from the Fifth Respondent, an enquiry would have to be conducted providing sufficient opportunity to the Fifth Respondent to explain its position and depending upon its outcome, a decision shall be taken on merits and in accordance with law."*



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3. Learned Counsel for the Petitioner states that the order dated 11.08.2022 in W.P. No. 5454 of 2016 passed by the Court has been complied and he has made an endorsement to that effect in the court record. In view of the same, nothing remains for further consideration in the Contempt Petition, but if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his rights before the proper forum in the manner recognized by law.

In fine, the Contempt Petition is closed with the aforesaid observations.

No costs.

28.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 14.02.2024.

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To

1. The Secretary,
Education Department,
Secretariat, Fort St.George,
Chennai – 600009.
2. The Joint Director of School Education,
D.P.I. Compound, College Road,
Chennai – 600006.



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3. The Chief Educational Officer,
Saidapet, Chennai – 600015.
4. The District Educational Officer,
Chennai East, Choolaimedu High Road,
Chennai – 600094.
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The Hindu Higher Secondary School,
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