



Cont.P.Nos.1310, 1311 and 1313 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Cont.P.Nos. 1310, 1311 and 1313 of 2023

Cont.P.No.1310 of 2023

K.Vijayakumar

.... Petitioner

-Vs-

1. Karthikeyan,
The District Educational Officer,
Polur, Tiruvannamalai District.

2. P.Sundar,
The Block Educational Officer – II,
Polur, Thiruvannamalai District.

... Respondents

Cont.P.No.1311 of 2023

M.Sowmithri

... Petitioner

Vs.

1.A.Karuppasamy,
Director of Elementary Education,
DPI Compound, College Road,
Chennai – 600 006.

2. G.Aravindan,
District Educational Officer,
Madurantakam, Chengalpattu District.



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3. E.Pachaiyappan,
Block Educational Officer,
Madurantakam, Chengalpattu District. ... Respondents.

Cont.P.No.1313 of 2023

M.Sampathu ... Petitioner

Vs.

1. Nalini,
The District Educational Officer,
Cheyyar, Tiruvannamalai District.

2. Bhuvaneshwari,
The Block Educational Officer – I,
Anakkavur, Tiruvannamalai District. ... Respondents.

Common Prayer: Contempt Petition under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents herein for their act of willful disobedience of order passed by this Court in W.P.Nos.21460 of 2019, 35244 of 2019 and 18685 of 2019 dated 16.06.2022, 16.06.2022 and 11.07.2022 respectively.

For Petitioner : Mr.P.Murali
[in all Cont.Ps.]

For Respondents : Mr.S.Silambanan
[in all Cont.Ps.] Additional Advocate General
assisted by Mr.M.Babu Barveez,
Government Advocate
and Mr.M.Murali,
Government Advocate



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COMMON ORDER

In these batch of contempt petitions, the orders passed by this Court dated 16.06.2022 and 11.07.2022 in W.P.Nos.21460, 35244 and 18685 of 2019 are said to have been allegedly violated.

2. However, today when the contempt petitions are taken up for hearing, Mr.S.Silambanan, learned Additional Advocate General appearing for the respondents has produced the order passed by the respondent i.e., District Educational Officer, Tiruvannamalai, District Educational Officer, Seyyar and District Educational Officer, Chengalpet, dated 24.07.2023, 18.07.2023 and 19.07.2023 respectively, where the plea of the petitioners having been considered was rejected.

3. However, Mr.P.Murali, learned counsel appearing for the petitioners would submit that, despite the clear order passed by this Court, this kind of rejections have been made, this is the third time such rejections have been made, therefore it could very well be construed as willful disobedience of the orders of this Court and against the



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respondents proceedings may be initiated under the provisions of the Contempt of Courts Act.

4. I have gone through the said proceedings and also considered the said submission made by the learned counsel appearing for the petitioners as well as the learned Additional Advocate General appearing for the respondents.

5. No doubt, in my order dated 16.06.2022 and 11.07.2022 having set aside the impugned order therein, I have given direction to reconsider the issue i.e., considering the request of the petitioners' concerned for rectifying the pay anomaly between the petitioners and their junior referred to above and accordingly after rectifying the same, the difference of pay and pay arrears shall be paid and continue to be paid as per the eligibility and entitlement of the petitioners. However, while considering the said plea of the respective petitioners, the respondent District Educational Officer has given reasons as to how the pay anomaly allegedly taken place, which is sought to be rectified and the pay anomaly cannot be rectified, for which relevant rules have been quoted.



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6. Whether the said reasons cited by the respondents is countenanced or justified cannot be gone into by this Court in the contempt proceedings because the Law Courts have taken the view that insofar as the contempt proceedings is concerned unless there is a willful disobedience of the orders of the Court, the Court cannot normally take the contempt proceedings as if that the respondent/proposed contemnors has committed a contempt, for which he or she shall be proceeded under the contempt of Courts Act.

7. May be my order dated 16.06.2022 and 11.07.2022, where the observations that I have made would be useful for the petitioners to agitate the issue as grounds of attack against the present order now has been passed separately in all the cases by the respondent District Educational Officer, but that itself *ipso facto* will not make them entitled to press these contempt petitions as if that the respondents have violated the orders of this Court willfully.



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WEB COPY Recording the aforesaid, all these contempt petitions are closed, of course with the liberty to the respective petitioners to challenge the orders now has been passed by the respondents in the manner known to law.

16.08.2023

Index : Yes/No
Internet : Yes/No
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R. SURESH KUMAR, J.

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