



WEB COPY



Contempt Petition Nos.1083,
968, 1093 and 1054 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.06.2023**

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

Contempt Petition Nos.1083, 968, 1093 and 1054 of 2021
&
Sub Application Nos.444, 442 & 443 of 2022

Smt.Ramani G	... Petitioner in Cont.Petn.No.1083 of 2021
G.Pethaiyan	... Petitioner in Cont.Petn.No.968 of 2021
M.Sakthivel	... Petitioner in Cont.Petn.No.1093 of 2021
G.Sekhar Reddy	... Petitioner in Cont.Petn.No.1054 of 2021

...Vs...

1. Smt.Nidhi Pandey
Commissioner,
Kendriya Vidyalaya Sangathan,
Head Quarters, 18 Institutional Area,
Shahid Jeetsingh Marg,
New Delhi 110 016.

2. Shri SP Patil
Deputy Commissioner (i/c)
IIT Campus, Powai,



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Mumbai- 400 076.

3. Dr.M.Rajeswari

The Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
Chennai Region, IIT Campus,
Chennai 600 036.

... Respondents in all
contempt petitions

Prayer: Petitions filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for the Willful disobedience of the orders of this Court passed in W.P.Nos.18679 of 2020 dated 15.12.2020, 19720 of 2020 dated 23.12.2020, 105 of 2021 dated 07.01.2021 and 12 of 2021 dated 06.01.2021 under the provisions of Contempt of Courts Act.

For Petitioners : Mr.R.Arumugam
(in all contempt
petitions)

For Respondents : Mr.M.Vaidyanathan
(in all contempt
petitions) Standing counsel

COMMON ORDER

These Contempt Petitions have been filed alleging noncompliance of the orders of this Court passed in W.P.Nos.18679 of 2020 dated 15.12.2020, 19720 of 2020 dated 23.12.2020, 105 of 2021 dated 07.01.2021 and 12 of 2021 dated 06.01.2021 under the provisions of



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Contempt of Courts Act.

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2. Today, when these contempt petitions were taken up for hearing, the learned counsel appearing for the Petitioners submitted that pursuant to the orders passed by this Court in the writ petitions, alleging noncompliance of which, these contempt petitions have been filed, the Joint Commissioner, by orders dated 13.06.2022, in the case of petitioners herein, has decided to extend the benefits on condition that the said applicants, who retired from service shall repay the amount of CPF together with interest @ 9% per annum to treat them as covered under GPF cum pension scheme; however, they and one Amutha are similarly placed; though an identical order has been passed in the case of Amutha, she was not directed to remit the interest component, which is tantamount to discrimination.

3. The aforesaid contention of the learned counsel for the petitioners cannot be gone into in contempt jurisdiction. In contempt jurisdiction, what the Court is expected to look into is only whether there is any wilful or deliberate disobedience of the orders of this Court. Since we find that



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there is no such wilful or deliberate disobedience of the orders of this Court, we close these contempt petitions, however, with liberty to the Petitioners to claim 9.5% interest showing the declaration given to Amutha. We make it very clear that we are not expressing any opinion with regard to remittance of interest or refund as it is beyond the scope of these contempt petitions. Consequently, connected Sub Applications are closed.

**[S.V.N,J.,] [A.A.N,J.,]
20.06.2023**

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S.VAIDYANATHAN, J.
AND
A.A.NAKKIRAN, J.

arr

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