



CONT.P(MD)No.818 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

<i>Judgment Reserved On</i>	<i>Judgment Pronounced On</i>
24.03.2023	21.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

CONT.P(MD)No.818 of 2022

S.Mohamed Ansari

... Petitioner

Vs.

1 Balamurali,
Chief Educational Officer,
Trichy,
Trichy District.

2 Kumanan, Headmaster,
Government Board Higher Secondary School,
Valanadu,
Manaparai Taluk,
Trichy District.

3 D.Jaisankar
Accountant General,(Accounts and Entitlements),
No.261,Anna Salai,Chennai-600 018.

.... Respondents

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act to punish the respondents/contemnors for willful deliberate disobedience of the order passed by the Court in W.P.(MD) No.22223 of 2016 dated 24.04.2019.



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For Petitioner : Mr.V.Paneer Selvam
For R-1 & R-2 : Mr.V.Omprakash,
Government Advocate
For R-3 : Mr.P.Gunasekaran

ORDER

This Contempt petition is filed alleging Non-compliance of the order passed by this Court in W.P(MD)No.22223 of 2016, dated 24.04.2019.

2. Heard Mr.V.Paneer Selvam, the Learned Counsel appearing for the Petitioner and Mr.V.Omprakash, the Learned Government Advocate appearing for the respondents 1 & 2 and Mr.P.Gunasekaran, the Learned counsel appearing for the 3rd respondent and perused the material documents available on record.

3. The petitioner has challenged the order of recovery proceedings, dated 03.01.2014 with further direction to refund the recovery amount of Rs.3,31,623/- and direct the respondents to release the pension benefits and other consequential benefits with 18% interest.



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4. After considering the rival submissions, this Court directed the respondents not to deduct the amount quantified as a sum of Rs.3,31,623/-. Aggrieved over the order passed in the writ petition, the respondents have preferred an appeal in W.A(MD)No.1201 of 2020 and the same was dismissed on 08.02.2021.

5. Since the writ petitioner was granted Selection Grade long back the respondents have to rectify the mistake and therefore, the Hon'ble Division Bench of this Court declined to interfere with the order passed by the learned Single Judge. Moreover, the writ petitioner was alone working as Drawing Teacher and he is entitled to Selection Grade and Special grade, because he has served for 10 years and 20 years and serving in the same post without promotion. Therefore, the amount recovered from the petitioner shall be returned within 8 weeks, from the date of receipt along with the interest of 7.5% and also held that since the petitioner is entitled to the same, the re-fixation shall be carried out.

6. The contention of the petitioner is that inspite of the Order, the respondents have not complied with the order of the learned Single Judge.



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7. It is seen from the records that the Contempt petition is filed on 20.02.2022. During the pendency of the Contempt petition, the respondents have forwarded the pension papers on 10.08.2022. The contention of the petitioner is that even though the papers are forwarded the pension papers are still pending with the authorities. Hence this Court on 18.08.2022 directed the authorities to disburse the monetary benefits at earliest. On 24.03.2023 it was reported the amount is disbursed and it is credited in the account of the petitioner. Therefore, nothing survives for adjudication in this matter. Therefore, there is no contempt as alleged by the petitioner.

8. However for the interest portion, the respondents have preferred a Review petition against the writ appeal order. As far as the interest is concerned, the claim of the petitioner will be considered after the disposal of the Review application.



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9. Therefore, there is no contempt as alleged by the petitioner. Accordingly, this Contempt Petition is closed.

21.09.2023

Index : Yes / No
Internet : Yes
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S.SRIMATHY, J

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**Pre-Delivery Order made in
CONT.P(MD)No.818 of 2022**

21.09.2023