



CONT. P. (MD)No.1068 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE BATTU DEVANAND**

**CONT. P. (MD)No.1068 of 2023**  
**in W.P(MD) No.305 of 2014**

R. Kannappan

...Petitioner

**Vs.**

1. Mr. R. Paramasivam,  
The District Educational Officer,  
O/o the District Education Office,  
Pudukottai.

2. Samymuthualagar,  
The District Educational Officer,  
O/o the District Education Office,  
Pudukkottai.

3. Kakarla Usha, I.A.S.,  
The Secretary to Government,  
Education Department, Fort St. George,  
Chennai – 600 009.

....Respondents

(R2 and R3 are newly impleaded as respondents vide court order dated 26.07.2023 in Sub A (MD)No. 185 of 2023 by DEVJ)

**Prayer:** Contempt Petition is filed under Section 11 of Contempt of Courts Act to punish the contemnors/respondents for willfull disobedience of the order passed by this Court dated 24.02.2020 made in W.P(MD)No.305 of 2014.



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For Petitioner : Mr.C.Jeganathan  
For Respondents : Mr.R.Baskaran  
Senior Counsel  
for Mr.V.Nirmal Kumar

### **ORDER**

This Contempt Petition has been filed complaining willful disobedience of the respondents in complying with the order dated 24.02.2020 in W.PMD)No.305 of 2014 in true letter and spirit.

2. During the course of the contempt proceedings, the first respondent died. Subsequently, by order dated 26.07.2023, the respondents 2 and 3 are impleaded as the respondents in this Contempt Petition.

3. While allowing the Writ Petition by order dated 24.02.2020, the impugned order dated 09.10.2013 passed by the third respondent therein was set aside by this Court and the matter was remanded back to the third respondent with a direction to the third respondent to consider the request of the petitioner seeking



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regularization of his service and pass appropriate orders in the light of G.O.Ms.No.1529, Education Department, dated 29.09.1988 within a period of eight weeks from the date of receipt of copy of the order.

4. Now, the respondents 2 and 3 filed their affidavits wherein it is stated that the service of the petitioner is regularized by issuing a Government Order dated 31.08.2023 regularizing the services of the petitioner with effect from 02.11.2006.

5. The learned counsel for the petitioner raised a dispute with regard to regularization of service of the petitioner with effect from 02.11.2006 in view of the fact that the petitioner was initially appointed on 12.11.1975. The learned counsel for the petitioner also brought to the notice of the Court that by way of the orders passed by the Administrative Tribunal and the orders of this Court, the petitioner was reinstated into service in the year 2006 and it appears



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the respondents took the date of recommendation i.e 02.11.2006 as the cut off date to regularize the service of the petitioner. The learned counsel fairly submitted that in the order of the Tribunal or in the order of this Court, there is no clarity with regard to continuation of service after reinstatement of the petitioner at the relevant point of time.

6. This Court do not want to express any opinion on that aspect. If the petitioner is aggrieved by regularizing the petitioner with effect from 02.11.2006, it is open to him to avail remedies available under law to redress his grievance.

7. In the present Contempt Petition, on considering all the materials available on record and after hearing the learned Senior Counsel appearing for the respondents, this Court is of the view that the order of the Court is not complied with in true letter and spirit.



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8. It is pertinent to note that a copy of the order dated 24.02.2020 was communicated to the respondents on 24.10.2020. But, till 03.08.2023, the order is not complied with. The respondents have stated some reasons in the affidavit filed by the respondents and the learned Senior Counsel has also argued. However, this Court is unable to accept the reasons stated for the delay in implementing the order of the Court. This Court is noticing in several contempt cases that only after issuance of Statutory Notice seeking personal appearance of the Officers before the Court only, they are taking steps to implement the orders of the court. Such type of attitude of the Officers is unreasonable and has to be depreciated.

9. Admittedly, in the present case, there is a delay of 2 ½ years. But, no sufficient case is shown to accept that delay. The respondents in their affidavits tendered their unconditional apology for the delay in implementing the orders of the Court. In view of the fact that originally the respondents 2 and 3 are not parties to this



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Contempt Petition and they are brought on record only on 24.07.2023 and considering the letter dated 11280/GC/II/2023 dated 21.09.2023 of the second respondent addressed to all the Officers of the Education Department for timely compliance of the Court orders, this Court is of the opinion that the respondents are taking steps for compliance of the orders of the Court in true letter and spirit. The letter dated 04.09.2023 is placed on record.

**10.** Considering all these facts, in the considered opinion of this Court, the unconditional apology tendered by the respondents is *bonafide* and it has to be accepted.

**11.** Accordingly, accepting the unconditional apology tendered by the respondents, this Contempt Petition is closed.

**12.** The respondents shall be more conscious and diligent in implementing the orders of the Court in true letter and spirit.



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Index : Yes / No  
NCC : Yes / No  
CM

To,

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O/o the District Education Office,  
Pudukottai.

2. Samymuthualagar,  
The District Educational Officer,  
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**BATTU DEVANAND, J.**

CM

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**in W.P(MD) No.305 of 2014**

**08.09.2023**