



Cont P(MD)No.953 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2023

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE SUNDER MOHAN**

Cont P(MD)No.953 of 2019

Y.S.Sherly

... Petitioner

-VS-

1.Mr. A.Muniyasamy,
The District Educational Officer,
O/o.the District Educational Office,
Kuzhithurai at Marthandam,
Kanyakumari District.

2.Mr.David,
The Correspondent,
R.T.M.L.M.S.Higher Secondary School,
Venkanji,
Kollencode Post,
Kanyakumari District.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent for the deliberate and willful disobedience of the order dated 10.04.2017 passed by this Court in W.P(MD)No.7458 of 2013.



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For Petitioner : Mr.H.Mhammed Imran
For R1 : Mr.D.Sadiq Raja
Additional Government Pleader
For R2 : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

ORDER

DR.G.JAYACHANDRAN,J.
AND
SUNDER MOHAN,J.

The contempt petition is filed alleging that the order of this Court, dated 10.04.2017 not been complied with fully.

2. However, the learned Additional Government Pleader appearing for the first respondent submitted that the order of this Court has been complied with in a letter and spirit, the appointment of the petitioner as BT Assistant (Maths) is given an effect from 03.01.2011 and the proportionate perks been worked out and paid to the petitioner.

3. It is reported that a sum of Rs.29,63,031/- as arrears been paid to the



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petitioner. However, a status report been filed by the learned counsel for the petitioner that still a sum of Rs.9,90,157/- is pending which is towards arrears of increment amount to be disbursed.

4. This Court on perused the status report and the submission made by the learned Additional Government Pleader appearing for the first respondent finds that the dues stated in the status report is in respect of arrears of increment which is a disputed fact and which has to be worked out before the competent forum. The disputed fact regarding the entitlement of the increment has to be decided by the Tribunal which is constituted to deal with such dispute between the employees of the education department and the Government and hence, the contempt petition is closed with liberty to the petitioner to approach the appropriate forum and work out her remedy if there is deemed increment and not taken into account while fixing the arrears.

Index : Yes / No
Internet : Yes / No
am

[G.J.,J.] [S.M.,J.]
10.01.2023

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To

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