



CONT.P.(MD)No.1003 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **BATTU DEVANAND**

CONT.P.(MD)No.1003 of 2023
and
Sub.A(MD)Nos.256 & 257 of 2023

1. I. Chinnathai (deceased) ... Petitioner

2. G.Paraman

(2nd petitioner is the legal heir of the deceased 1st petitioner

... Petitioner/ Proposed petitioner

Vs.

1.Kakarla Usha,
The State of Tamil Nadu,
represented by its Secretary,
School Education Department,
Secretariat,
Chennai.



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2.K.Nanthakumar

Director of School Education

Now Commissioner of School Education,
Chennai.

3.Vasanth

District Educational Officer,
Tirunelveli District.

The accepted cause title vide Court order
dated 28.04.2023 in Sub A (MD).No.113/2023

...Contemnors/Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the Contemnors/respondents for wilful deliberate disobedience of the order passed by this Court made in W.P.(MD) No.5213 of 2013 dated 03.10.2016.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.J.Ravindran,
Senior Counsel
for Mr.V.Nirmal Kumar,
Government Advocate



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ORDER

This Contempt Petition has been filed complaining willful disobedience of the respondents in complying the order, dated 03.10.2016, passed in W.P.(MD)No.5213 of 2013 in true letter and spirit.

2. While allowing the Writ Petition, the respondents are directed to regularize the petitioner's service in time scale and confer all the consequential benefits to the petitioner. The Court also stipulated time of eight weeks to complete the entire exercise.

3. The counter affidavits have been filed on behalf of the respondents. Initially it is the contention of the respondents that they have filed Writ Appeal against the order of the learned Single Judge and it is pending. Admittedly, there is no stay in the Writ Appeal till 23.08.2023.



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4. During the course of hearing, Mr.J.Ravindran, learned Senior Counsel appearing for the respondents submitted that in view of the facts and circumstances of the case, the order of the Court is complied with subject to the outcome of the Writ Appeal and accordingly, the petitioner's service is regularized and all monetary benefits as directed by the Court are settled.

5. The learned counsel for the petitioner also accepted that the petitioner's service is regularized and monetary benefits are settled.

6. In this case, on 31.07.2023 statutory notice was issued, considering the fact that the petitioner's service is regularized after seven years from the expiry of the time stipulated by the Court in its order dated 03.10.2016. As the respondents 1 and 2 failed to appear before this Court on 31.08.2023, Bailable Warrants are issued against the respondents 1 and 2 and the Commissioner of Police, Chennai, is directed to secure the presence of the respondents 1 and 2 before the Court on the next date of hearing i.e., on 11.09.2023.



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7. Today, the respondents 1 to 3 are present before this Court. The respondents 1 and 2 filed Sub Applications seeking to recall the warrants issued against them by this Court on 31.08.2023.

8. Considering the reasons stated in the accompanying affidavit and having heard the learned Senior Counsel appearing on behalf of the respondents 1 and 2, this Court satisfied to recall the warrant issued against them in the interest of justice.

9. Accordingly, the **Sub Applications(MD)Nos.256 & 257 of 2023 are allowed** and the warrants issued against the respondents 1 and 2 on 31.08.2023 are hereby recalled. However, this Court expressing its displeasure and anguish towards the inaction of the Commissioner of Police, Chennai, in implementing the order of this Court for execution of the warrants issued against the respondents 1 and 2 and it is placed on record.

10. Having heard the submissions of the respective counsels and in view of the facts and circumstances of the case and order of the



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Court is complied with as of now subject to the outcome of the Writ Appeal, in the considered opinion of this Court, continuation of this Contempt proceedings further is not required.

11. Accordingly, this Contempt Petition is closed.

11.09.2023

Index :Yes / No
Internet :Yes
NCC : Yes / No

RM



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To
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- 1.The Secretary,
State of Tamil Nadu,
School Education Department,
Secretariat,
Chennai.
- 2.The Director of School Education
Now Commissioner of School Education,
Chennai.
- 3.The District Educational Officer,
Tirunelveli District.



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BATTU DEVANAND, J.

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(2/2)

11.09.2023