



Cont.A.(MD).No.5 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

Cont.A.(MD).No.5 of 2023
in
Cont.P.(MD).No.374 of 2020
and
C.M.P.(MD).No.8330 of 2023

1.Pradeep Yadav

The Secretary to the State of Tamil Nadu,
Department of School Education,
Fort St.George,
Chennai – 600 009.

2.Muthupalanichamy,

The Director of Teacher Education Research
and Training,
DPI Campus,
College Road,
Chennai – 600 009.

3.Boobala Anto,

The Principal District Institute of
Education and Training,
Munanjipatti,
Tirunelveli District.

.. Appellants/ Respondents 1 to 3



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Vs.

1.P.Gnana Pragasam

.. 1st Respondent/Petitioner

2.Ponnu,
The Correspondent,
Ooliyasthanam,
Teacher Training Institute,
Palayapettai,
Tirunelveli District.

.. 2nd Respondent/4th Respondent

PRAYER: Appeal filed under Section 19(1) of the Contempt of Courts Act to allow the appeal and set aside the order dated 20.10.2021 passed in Cont.P.(MD).No.374 of 2020.

For Appellants	: Mr.Veera Kathiravan Additional Advocate General assisted by Mr.D.Sadiq Raja Additional Government Pleader
For R-1	: Mr.K.Ragatheesh Kumar for M/s.Isaac Chambers
For R-2	: No appearance



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JUDGMENT

WEB COPY **(Judgment of the Court was delivered by M.S.RAMESH,J.)**

This Contempt Appeal is filed against an interim observation made by the learned Single Judge of this Court in Cont.P.(MD).No.374 of 2020 dated 20.10.2021. The relevant portion of the order reads as follows:

“2.Denying monetary benefit at least from 2000 is not warranted. The learned Government Advocate appearing for the respondents, however, submitted that an opportunity may be given to correct the mistake.

3.Therefore, post this matter next week for filing fresh affidavit and passing an order in tune with the direction of this Court in its letter and spirit.”

2. We do not find any positive directions in the aforesaid order so as to give a cause of action for the Government to prefer an appeal. As a matter of fact, in the order impugned, the learned Single Judge had only given an opportunity to the Government to file an affidavit on the status, which was at their request. In the absence of any such positive directions, the present Contempt Appeal does not deserve consideration.



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3. The learned Additional Advocate General made an earnest effort to state that the order of the learned Single Judge in W.P.(MD).No.10915 of 2007 dated 03.12.2012, was complied by them in its letter and spirit through G.O.(1D) No.52 School Education (ERT) Department, dated 19.03.2021 and the writ petitioner's entitlement to receive the monetary benefits, on the date of his retirement from 30.06.2006, was already disbursed and therefore, there is no justification on the part of the writ petitioner to claim the monetary benefits from 2000 onwards.

4. The learned Single Judge in the order passed in W.P.(MD).No.10915 of 2007 dated 03.12.2012 had allowed the Writ Petition and directed the respondents to regularise the service of the writ petitioner with effect from 01.04.1979 on par with the similarly placed persons and extend all the monetary benefits by passing suitable orders. Since those similarly placed persons were given monetary benefits only from the date of the Government Order, the learned Additional Advocate General would submit that the writ petitioner is not entitled for such benefits from 2000, but only from the date of his retirement.



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5. The order of the writ Court came to be challenged by the Government in W.A.(MD).No.1147 of 2013, which was dismissed on 05.08.2019. The Government had, thereafter, chosen not to challenge the order of dismissal further and thus, the order of the learned Single Judge has become final. If at all the Government needed any further clarification after the Contempt Petition was filed by the concerned employee, seeking for benefits from May 2000, the option that would be available to the Government is to seek for clarification from the learned Single Judge or to file a counter affidavit in the Contempt Petition explaining the position. In the Contempt Petition also, no final findings have been given except for an observation that the denial of monetary benefits at least from 2000 is not warranted. Even after such an observation is made, the learned Single Judge had given an opportunity to the Government to file an affidavit possibly to explain the entitlement of the employee. Instead of filing such an affidavit in the Contempt Petition, trying to canvass the position before us in the Contempt Appeal is not warranted or justifiable. In the absence of any positive directions in the Contempt Petition, we do not find any necessity to interfere with the same.



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WEB COPY 6. Accordingly, the Contempt Appeal stands dismissed.

Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
18.07.2023

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Secretary to the State of Tamil Nadu,
Department of School Education,
Fort St.George,
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- 2.The Director of Teacher Education Research
and Training,
DPI Campus,
College Road,
Chennai – 600 009.
- 3.The Principal District Institute of
Education and Training,
Munanjipatti,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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