



CONT P(MD)No.1772 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2023

CORAM

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

CONT P(MD)No.1772 of 2022

In

W.P.(MD).No.10989 of 2010

1. R.Lakshmi (Retired),
Sub-Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai.
2. Pandiyammal (Retired),
Sub-Inspector of Police,
All Women Police Station,
Melur,
Madurai District.
3. V.Rajakumari (Retired),
Sub-Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai.
4. C.Prasana Gunasundari (Retired),
Sub-Inspector of Police,
Kallikudi Police Station,
Madurai District.



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5. Mumtaj Nizar (Retired),
Sub-Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai.

... Petitioners/Petitioners 6,7,8,12 & 21

vs.

1. Mr.Asra Garg, I.P.S.,
The Inspector General of Police,
South Zone, Madurai District.

2. Mrs.R.Ponni, I.P.S.,
The Deputy Inspector General of Police,
Madurai Range,
Madurai.

3. Mr.N.M.Mylvahanan, I.P.S.,
The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram.

... Respondents/Contemnors

PRAYER: Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the contemnors for the willfully and deliberately violating the order of this Court, made in W.P(MD)No.10989 of 2010, dated 11.11.2014.

For Petitioner : Mr.V.Thirumal

For Respondent : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by
Mr.R.Suresh Kumar,
Additional Government Pleader



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ORDER

This contempt petition is filed alleging non-compliance of the order, dated 11.11.2014 passed in W.P(MD)No.10989 of 2010.

2. The prayer in the writ petition is for *Certiorarified Mandamus* to quash the impugned order, dated 12.06.2009 and the consequential order, dated 29.10.2009 and 27.11.2009 with consequential relief to promote the petitioners as Inspectors of Police, with effect from the date on which their juniors were promoted.

3. After considering the claim of the petitioners, this Court allowed the writ petition and has held the impugned order stands quashed with direction to the respondents 1 to 3 to give promotion to the petitioners with consequential relief, with effect from on which the juniors were promoted. Aggrieved over the said order, the respondents have preferred an appeal in W.A(MD)Nos.172 of 2018 and 127 of 2017 and 650 of 2017. The said writ appeals were dismissed, vide order of this Court, dated 17.09.2018. Subsequently, the respondents have preferred a review application with delay condone petitions, in CMP(MD)Nos.2966, 2967,



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2670 of 2020 in Rev.Aplc.(MD)Nos.16601 to 16603 of 2020, vide order, dated 23.02.2021 and this same were also dismissed. Subsequently, the Deputy Inspector General of Police, vide order, dated 25.02.2021 has complied with the order of this Court. The consequential order was passed, wherein the writ petitioners were given pay fixation, vide order, dated 18.03.2021. One such order was passed for the writ petitioners, namely, R.Lakshmi, the respondents have fixed the pay from the date on which the juniors were promoted and have fixed the salary applicable to the said post and were granted yearly increment from the year 2005, 2006 & 2007. The said petitioners were granted actual promotion on 09.08.2009 she was retired from service in the year 31.07.2011.

4. The contention of the petitioners is the respondents have granted promotion and has granted consequential service benefits, further arrears of salary and monetary benefits were not granted.

5. The contention of the respondents is that monetary benefits were given in the salary from 2005 to 2008. Therefore, the petitioners cannot allege again that monetary benefits were not granted.



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6. After considering the rival submissions, this Court is of the considered opinion that monetary benefits were granted based on Fundamental Rules 27(17) and the same is extracted hereunder:

“In case where a Government servant has been overlooked for promotion/appointment to the next higher post but subsequently promoted/appointed to that higher post after restoration of his original seniority on appeal, his pay shall be fixed on the date of assumption of charge in the higher post on par with the pay of his junior provided he has drawn the same rate of pay as his junior in the lower post from time to time. If he has not drawn the same rate of pay as his junior in the lower post, his pay shall be fixed, on the date of assumption of charge, at the stage at which he would have drawn pay on that date had he been promoted/appointed to the higher post along with his junior. In cases where seniority has been restored on or after 19th September 1981, arrears of pay and allowance consequent of fixation of pay shall be admissible with effect from the date of assumption of charge in the higher post; in cases where seniority has been restored prior to 19th September 1981, arrears shall be admissible only with effect from the above date”.

7. The respondents have fixed the same from the date of assuming of the charge i.e., in the year 2009 for earlier period the effect of the salary was



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granted. Therefore, the allegation raised by the petitioners that there was non-compliance of the order is not established.

8. Accordingly, this Contempt petition is closed.

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S.SRIMATHY, J

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**31.03.2023
1/2)**

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