



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:**31.01.2023**

CORAM:

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

**CONT.P(MD)NO.1664 OF 2018
in
W.A(MD)No.1255 of 2015**

P.Rajalingam

:Petitioner/Respondent

.VS.

Pradeep Yadav, I.A.S.,
The Secretary to Government,
School Education Department,
Secretariat,
Chennai-9.

: Contemnor/Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act praying this Court to punish the respondent for committing contempt wantonly and for wilful disobedience of the order passed by this Court in W.A(MD)No.1255 of 2015, dated 20.04.2017.

For Petitioner

:M/s.Anbarasi

For Respondent

:Mr.J.Ashok
Addl.Govt.Pleader



ORDER

WEB COPY

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

This Contempt Petition is filed by the Writ Petitioner stating that the order of the Division Bench of this Court, dated 20.04.2017 not complied with by the Secretary to Government, School Education Department.

2.The Contempt Petitioner filed W.P(MD)No.2231 of 2012 seeking for a mandamus directing the Education Department, Government of Tamil Nadu to extend the benefit of G.O.Ms.No. 210, School Education(G1)Department, dated 14.08.2009 and G.O.Ms.NO.216, School Education(G2) Department, dated 30.12.2011 by counting the service of the Petitioner in the post of Secondary Grade Assistant from 20.03.1968 to 31.03.1981 along with the service of the Petitioner as Secondary Grade Headmaster and B.T. Head-master from 01.04.1981 to 31.05.2004 and consequently to pay the Selection Grade and Special Grade scale of pay to him with effect from the date of completion of 10 and 20 years of service respectively. The Writ Petition was allowed as



WEB COPY

prayed for and aggrieved by the same, the Government has filed the above Writ Appeal.

3.This Court taking note of the dictum laid down by the Full Bench of this Court in the case of ***Government of Tamil Nadu .vs. Easwaran reported in (2017) 2 MLJ 257***, disposed of the Writ Appeal to the effect that the Petitioner is entitled to have the benefit of G.O.Ms.No.210, School Education(G1)Department, dated 14.08.2009 and G.O.Ms.NO.216, School Education(G2) Department, dated 30.12.20i1 and the Government has to implement the Government Orders in favour of the Writ Petitioner also. Alleging that the said direction not been complied with, the Contempt Petition is filed.

4.The learned Additional Government Pleader appearing for the Contemnor submitted that in compliance with the Division Bench order, following the Full Bench judgment, proposal was sent by the Government to the Accountant General and the Accountant General Office, considering the service rendered by the Writ Petitioner, has found that he is not eligible for pay arrears except re-fixation of pay and regularization.



WEB COPY

5.The proceedings of the Accountant General, dated 25.02.2020 hold that the Writ Petitioner is entitled only for re-fixation of pay and regularization. Pursuant to the order of this Court, her last drawn pay been fixed at Rs.11,025/- and the order passed in the Writ Appeal been complied with as per the service rendered by the Writ petitioner and on application of G.O.Ms.No. 210, School Education(G1)Department, dated 14.08.2009 and G.O.Ms.NO.216, School Education (G2) Department, dated 30.12.2011 respectively.

6.Today, the learned Additional Government Pleader appearing for the Contemnor/respondent also furnished a copy of the proceedings issued by the Regional Educational Officer, Musiri in Na.Ka.No.2445/Aa-2/2018, dated 25.01.2023. The Writ Petitioner herein had also acknowledged the receipt of the above said proceedings, dated 25.01.2023.

7.From the proceedings,this Court finds that the order of this Court, dated 20.4.2017, following the Full Bench Judgment, been complied with, as per the service records of the Writ Petitioner and if there is any factual error, it is always open to the Writ Petitioner to



make appropriate representation and get the grievance redressed.

WEB COPY

8. Recording the same, the Contempt Petition is closed. No costs.

[G.J.,J.] [S.M.,J.]
31.01.2023

Index:Yes/No

Internet:Yes/No

NCC:Yes/No

vsn

To

Pradeep Yadav, I.A.S.,
The Secretary to Government,
School Education Department,
Secretariat,
Chennai-9.



WEB COPY



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

vsn

ORDER MADE IN
CONT.P(MD)NO.1664 OF 2018
in
W.A(MD)No.1225 of 2015

31.01.2023