



CONT.P.(MD)No.2520 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

CONT.P.(MD)No.2520 of 2023

P.Nagalakshmi

... Petitioner

Vs.

D.Mahalakshmi,
Block Educational Officer,
Cumbum, Theni District.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of Contempt of Court Act, 1971, praying this Court to punish the respondent for willfully disobeying and not complying with the order of this Court dated 29.01.2019 in W.P.(MD)No.821 of 2019.

For Petitioner : Mr.M.Saravanan

For Respondent : Mr.T.Amjadkhan,

Government Advocate

ORDER

This Contempt Petition arises out of the order dated 29.01.2019 passed in W.P.(MD)No.821 of 2019.



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2.The said Writ Petition was disposed of on 29.01.2019 with the following directions:-

“4.Considering the following as an interim measure, there will be a direction to the fourth respondent, who is now in charge of the affairs of the fifth respondent School, to pay the retirement benefits due to the petitioner after withholding the loan amount that is due by her. The loan amount shall be kept in a interest bearing fixed deposit in a Nationalized Bank for a period of one year with automatic renewal. The amount payable to the petitioner after deducting the loan amount shall be paid within a period of six weeks from the date of receipt of a copy of this order.”

3.The said order was passed subject to the orders to be passed in W.P.(MD)No.12206 of 2016. W.P.(MD)No.12206 of 2016 was taken up for disposal on 05.09.2023, wherein, this Court recorded that as per the orders passed in W.P.(MD)No.3810 of 2020 etc., batch on 26.06.2023, no further orders need to be passed in that Writ Petition. Therefore, a reference has to be made to the order passed in W.P.(MD)No.3810 of 2020, dated 26.06.2023, wherein the following directions were given:-

“10.The petitioners have now offered to pay the principal amount. Although the respondents are not willing to accept the offer, this Court with an intent of mitigating the loss of the society and



taking into account the fact that from the very perusal of the documents it is crystal clear that it is the ninth respondent, who had borrowed the amounts, all the Writ Petitions with the following directions:-

(i)The society shall receive the principal alone from the petitioners, taking into account the fact that no action has been initiated by them against the real culprit and by their inaction they have managed to allow the main culprit goes scot-free. The said principal amount will be deposited within a period of two weeks from the date of receipt of a copy of this order.

(ii)The second respondent shall initiate action against all the concerned officials. It is also seen that despite the cheques having been dishonoured, not even a notice under Section 138 of N.I. Act has been issued by the society in question to the ninth respondent. Therefore, it is crystal clear that the society is hand in glove with the culprit in question and compliance of that action shall be reported to this Court.

(iii)It is needless to state that as and when proceedings are initiated against the officials concerned, the petitioners will cooperate with the trial.”

4.It is agreed by both sides that a sum of Rs.11,87,759/- (Rupees Eleven Lakhs Eighty Seven Thousand Seven Hundred and Fifty Nine Only) has been deposited in Cumbum Panchayat Union Primary and Middle School Teachers Co-operative Thrift and Credit Society Limited. As the orders passed in W.P.(MD)No.3810 of 2020, dated 26.06.2023 has attained finality, the



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petitioner will be entitled to the amount less the principal amount payable to the Thrift Society.

5.Mr.T.Amjadkhan, learned Government Advocate appearing for the respondent would submit that the said amount will be paid within a period of four weeks from the date of receipt of a copy of this order.

6.His undertaking is placed on record. Therefore, the respondent is directed to pay the amount after deducting the principal amount to the petitioner on or before 31.01.2024.

7.With this direction, this Contempt Petition stands closed.

22.12.2023

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

Yuva

To

D.Mahalakshmi,
Block Educational Officer,
Cumbum, Theni District.



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V.LAKSHMINARAYANAN, J

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