



WEB COPY



Contempt Petition No.1752 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Contempt Petition No.1752 of 2023

1.T.Samuel Selva Prabu
S/o.S.Thomas Abraham

2.M.Mohan Kumar
S/o.M.Muniappa

3.John Peter M
S/o.Manivelu

4.M.Usha Rani
D/o.Mathesan

5.D.Glory Selvam Mary
D/o.Durai Pandian

6.A.Dhinakaran Koil Mani
S/o.Anantha Singh

7.V.Thavamani
S/o.Vediboyan K

... Petitioners

Vs.

1.Thiru.T.Udayachandran
Secretary,
Government of Tamil Nadu,
Finance Department,
Fort St.George,
Chennai - 600 009.



Contempt Petition No.1752 of 2023

2.Thiru N.Muniraj
District Elementary Education Officer,
Hosur, Krishnagiri District.

... Respondents

Contempt Petition filed u/s.11 of the Contempt of Courts Act, 1971, praying to punish the respondents herein for the willful disobedience of the orders of this Court in W.P.No.2689 of 2023, dated 03.02.2023.

For Petitioners : Ms.Dakshiyani Reddy, Senior Counsel
for Ms.Suneetha

For Respondents : Mr.U.M.Ravindaran
Special Government Pleader [R1]
Mrs.S.Mythreya Chandru
Special Government Pleader [R2]

ORDER

This contempt petition was filed on the ground that the directions issued by this Court in W.P.No.2689 of 2023 dated 03.02.2023 has not been complied with.

2. In the instant case, all the petitioners have acquired additional qualification prior to G.O.Ms.No.37, dated 10.03.2020 and therefore, they claim that they are entitled for incentive increment. It is on this premise, representation was made by the petitioners to the Block Educational Officer. Since it was not considered, the present contempt



petition has been filed before this Court.

WEB COPY

3. When the matter came up on earlier occasion, it was brought to the notice of this Court that already steps have been taken to deal with the representation made by the petitioners since all the petitioners had acquired the qualification prior to 10.03.2020.

4. Thereafter, the matter was listed for hearing on 02.02.2024. On that day, learned Special Government Pleader produced the proceedings of the District Educational Officer, Hosur, dated 23.01.2024. In the said proceedings, a reference has been made to G.O.Ms.No.95, dated 26.10.2023. In this Government Order, it has been specifically provided that the Government servants, who acquired additional educational qualification including those who have already submitted applications seeking incentive, shall henceforth be granted only with one time lump sum amount as ordered in the Government Order.

5. Pursuant to the above Government Order, the petitioners were granted one time lump sum amount.

6. Learned Senior Counsel appearing on behalf of petitioners



Contempt Petition No.1752 of 2023

submitted that the entitlement of the petitioners cannot be deprived by showing a subsequent Government order, which was issued on 26.10.2023. It was further submitted that similarly placed persons were given incentive increment during the interregnum period and the petitioners alone were discriminated.

7. In the considered view of this Court, the proceedings dated 23.01.2024 has been issued based on G.O.Ms.95, dated 26.10.2023 and a lump sum amount has been paid to the petitioners. If the petitioners are aggrieved by the Government Order and the consequential impugned proceedings dated 23.01.2024, the same has to be challenged in the manner known to law. While doing so, the incentive increment that was granted to other similarly placed persons can also be raised. Except giving this clarity, no further orders can be passed in this contempt petition.

Accordingly, this Contempt Petition is closed.

05.04.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order



gm

WEB COPY



Contempt Petition No.1752 of 2023

N.ANAND VENKATESH, J

gm

Contempt Petition No.1752 of 2023

05.04.2024