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Cont.P.No.2411 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Cont.P.No.2411 of 2023

X.Rajareegamarry

... Petitioner

Vs.

1.S.Kannappan,
Director of Elementary Education,
College Road,
Chennai – 600 006.

2.V.Baby,
The District Education Officer,
(Elementary Education),
Trichy District,
Trichy.

... Respondents

Prayer: Contempt Petition filed under Section 11 of Contempt of Court Act, to punish the respondents for willful disobedience of order of this Hon'ble Court rendered in W.P.No.31229 of 2015 dated 04.07.2022.

For Petitioner

: Mr.R.Saseetharan

For Respondents

: Mr.P.Balathandayutham

Special Government Pleader



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ORDER

This Contempt Petition has been filed to punish the respondents for their wilful disobedience of the order dated 04.07.2022 passed in W.P.No.31229 of 2015.

2. This Court has passed the following order:

“42. Accordingly, the following directions are issued:

(i) The G.O.Ms.No.179, School Education Department, dated 06.09.2013 is upheld;

(ii) The benefits granted in G.O.Ms.No.179, School Education Department, dated 06.09.2013, to be implemented scrupulously in its terms and conditions to all the employees who have served in the same cadre and who are placed similarly;

(iii) If any double selection grade or double special grade was granted on account of an administrative error, the respondents are at liberty to rectify the errors in granting revision of pay and accordingly, fix the correct scale of pay as per the said Government Order;

(iv) If the revision of pay is not extended to the similarly placed person, then the respondents are directed to



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grant the revision of scale of pay to all the similarly placed employees as per G.O.Ms.No.179, School Education Department, dated 06.09.2013. In this regard, the Director of Elementary School Education, is directed to prepare consolidated instructions with clear illustrations and communicate the same to all the subordinate officials, so as to avoid discrepancies and inconsistencies in respect of the implementation of G.O.Ms.No.179, School Education Department, dated 06.09.2013;

(v) The Government, in its counter affidavit in W.P.No.12092 of 2013 in paragraph 18, has narrated the statistics about the expenditure to be incurred and the same is extracted in the paragraph-38 of this judgment. In view of the financial stress, the Government shall calculate and revise the pension and family pension in respect of those who expired, based on the revised scales of pay in terms of G.O.Ms.No.179, School Education Department, dated 06.09.2013 and the arrears and the consequential monetary benefits would be payable on and from 1st January, 2018;

(vi) If any wrong fixation is done after the consolidated instructions are issued, then the Government as well as the Director of Elementary School Education, have to initiate appropriate disciplinary proceedings against the Officials, who have violated the Court orders and the Government instructions, in this regard;

(vii) These directions are issued to provide a quietus to the issue and to the irregularities, discrepancies and



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inconsistencies caused on account of erroneous implementation of various Government Orders issued in this regard by the Government. Thus, an uniform implementation is to be made by the officials without giving any room for any discriminations and confusions in future and thereby to ensure that the officials have to implement the orders in its letter and spirit and scrupulously and to avoid financial loss to the State Exchequer.

In clause (vii) of the above order, this Court directed the Authorities to ensure uniform implementation of the Government Order extending the service benefits.

4. Mr.R.Saseetharan, the learned Counsel for the petitioner, would submit that the Government Order issued in G.O.Ms.No.179 dated 06.09.2013 has not been implemented properly in the case of the petitioner. The order issued by the District Elementary Educational Officer, Trichy dated 11.04.2023, is not in compliance with the directions issued by this Court, since the period of services has not been properly calculated for the purpose of grant of Selection Grade.



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5. A perusal of the order passed in implementation of the order of this Court would reveal that the directions issued by this Court have been considered along with the service particulars of the petitioner. The Authorities have considered the service particulars of the petitioner and found that the petitioner when holding the post of Primary School Head Master, the services rendered by her in the Secondary Grade Teacher had been taken into consideration, for the purpose of awarding of Selection Grade in the post of Elementary School Head Master post. During the relevant point of time, the scale of pay for Secondary Grade Teacher and Primary School Head Master was one and the same. When the services were already taken into consideration for award of Selection Grade, the same services cannot be again taken for the purpose of Selection Grade in the Post of Head Master. Therefore, the Authorities have found that the petitioner cannot seek the benefit of reckoning of service for grant of Selection Grade on two occasions. Therefore, the claim of the petitioner was rejected.

6. In view of the above, this Court do not find any infirmity in respect of the order passed in W.P.No.31229 of 2015 dated 04.07.2022, since this Court has directed the Authorities to extend the benefit subject to



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the eligibility and by verifying the service particulars of the petitioner. Since the compliance order has been issued in consonance with the directions issued by this Court, the respondents have not committed any contempt of the Court willfully. Therefore, this Contempt Petition stands dismissed.

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02.02.2024

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. Director of Elementary Education,
College Road,
Chennai – 600 006.

2. The District Education Officer,
(Elementary Education),
Trichy District,
Trichy.



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S.M.SUBRAMANIAM, J.

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