



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

REV.APLC(MD)No.40 of 2023

in

W.P.(MD)No.4857 of 2017

and

W.M.P(MD)No.3767 of 2023

and

CONT.P(MD)No.887 of 2023

REV.APLC(MD).No.40 of 2023

C.Pazhamudir Pangi

... Review Petitioner

/Vs./

1. The Chief Elementary Educational Officer,
Chief Elementary Educational Office,
Trichy – 620 015.
2. The District Elementary Educational Officer,
District Elementary Educational Office,
Sethuram Colony,
Srimathi Complex, Trichy – 620 020.
3. The President,
Manachanallur Range Teachers Co-operative -
Thrift and Credit Society Limited – R-1480,
Manachanallur, Trichy District.
4. The Block Educational Officer (Converted post),
(Earlier The Assistant Elementary Educational Officer),
Manachanallur, Trichy – 620 020. ...Respondents
[R-4 is impladed vide Court Order, dated 27.04.2022]



PRAYER: Review Application is filed under Order 47 Rule 1 & 2 read with under Section 114 of Civil Procedure Code, to review the order, dated 27.04.2022 passed in W.P(MD)No.4857 of 2017.

For Review Petitioner : M/s.M.Jerin Mathew
For R-1, R-2 & R-4 : Mr.T.Amjadkhan,
Government Advocate
For R-3 : Mr.S.Sathya Chidambaram

CONT.P(MD)No.887 of 2023

C.Pazhamudir Pangi ... Petitioner

Vs.

Ms.Malathy,
The Block Educational Officer (Converted post),
(Earlier The Assistant Elementary Educational Officer),
Manachanallur,
Trichy – 620 020. ... Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the contemnor/4th respondent for the deliberate and willful disobedience of the Order, dated 02.03.2023 made in REV.APLW(MD)No.40 of 2023.

For Petitioner : M/s.M.Jerin Mathew
For Respondent : Mr.T.Amjadkhan,
Government Advocate



COMMON ORDER

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Rev.Aplw.(MD)No.40 of 2023 is filed by the writ petitioner to review the order, dated 27.04.2022 passed in W.P(MD)No.4857 of 2017.

CONT.P(MD)No.887 of 2023 is filed for the deliberate and willful disobedience of the Order, dated 02.03.2023 passed in Rev.Aplw.(MD)No.40 of 2023.

2. The Review Application is filed against the order passed in W.P(MD)No.4857 of 2017. The contention of the review applicant / writ petitioner is that this Court directed the writ petitioner to pay the balance amount payable to the society in six installments. But the contention of the writ petitioner / review petitioner is that she has obtained loan from the society as well as various other private loans. And she has to pay other loans and also manage other monthly expenses, hence, it is not feasible to pay the entire amount in six installments. Hence, the review applicant is seeking to modify that portion of the order and the writ petitioner may be permitted to pay Rs. 20,000/- per month and the same may be deducted from her salary.



3. The Learned Counsel appearing for the society objected for granting such installments. Since the review petitioner would be retiring from service on 30.06.2028. By the time, the entire loan could not complete the installments if the proposed installments are fixed.

4. It is revealed from the records that the petitioner has also paid substantial principal amount and the interest portion ought to be paid. The loan outstanding is Rs.4,97,127/- along with interest and further interest as well.

5. Considering the facts of the case, this Court is of the considered opinion that the review applicant shall pay Rs.20,000/- per month which would be appropriate fixation of installments. Therefore, the said portion is modified and the review petitioner is directed to pay Rs.20,000/- per month. The employer is Block Educational Officer/4th respondent in review application is directed to deduct Rs.20,000/-per month and remit the same to the Society.

6. It is made clear if there are any balance amount payable at the end of retirement, the society is at liberty to recover the same from her retirement benefits, as per Law.



7. The Learned Counsel appearing for the petitioner as well as respondents submitted that there are some discrepancies in the calculation.

Therefore, both the parties are directed to work out and pay as per Law.

8. With these observations this Review Application is allowed to the extent stated supra. Since the review order is modified, the contempt petition is closed. No Costs. Consequently, connected miscellaneous petition is closed.

03.10.2024

Index : Yes / No
NCC : Yes / No

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Manachanallur, Trichy – 620 020.



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S.SRIMATHY, J.

KSA

Common Order made in
REV.APLC(MD).No.40 of 2023
in
W.P.(MD)No. 4857 of 2017
and
CONT.P(MD)No.887 of 2023

03.10.2024