



Cont.P.(MD)No.1572 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cont.P.(MD)No.1572 of 2024

in

W.P.(MD)No.17141 of 2020

S.Sundaravalli

... Petitioner

versus

Dr.R.Ravanan,
The Joint Director of Collegiate Education,
(Planning and Development),
9th Floor, EVK Sambath Maligai,
College Road,
Chennai – 600 006.

... Respondent

Contempt Petition filed under Section 11 of Contempt of Courts Act to punish the Contemnor/Respondent for the willful disobedience of the order passed by this Court in W.P.(MD)No.17141 of 2020 dated 27.02.2024.

For Petitioner : Mr.S.Louis

For Respondent : Mr.P.T.Thiraviam
Government Advocate



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ORDER

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This Contempt Petition is filed complaining that the order of this Court passed in W.P.(MD)No.17141 of 2020 dated 27.02.2024 has not been complied with.

2. This Court, by order dated 27.02.2024, disposed of the writ petition as follows:

“6. In view of the same, the impugned order passed by the third respondent in Na.Ka.No.20790/P4/2019, dated 05.10.2019 is liable to be set aside and accordingly, set aside and the third respondent is further directed to reconsider the claim of the petitioner for extending the benefit of time scale of pay as provided under G.O.(Ms.)No.385, Finance (Pay Section) Department, dated 01.10.2010, duly taking into consideration the fact that the petitioner is working in Government Arts and Science College, Andipatti, which is under the control by the respondents 1 to 3 from the date of its taking over and pass appropriate orders as expeditiously as possible, at any rate within a period of three months from the date of receipt of a copy of this order. This writ petition is disposed of.”



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3. Today, when this contempt petition is taken up for hearing, the learned Government Advocate submits that the Joint Director of Collegiate Education, Chennai, by his proceedings in Na.Ka.No.19553/B4/2019, dated 06.06.2024, has rejected the claim of the petitioner that he was appointed in the University and he has been working in the constituent college and therefore, G.O.(Ms.)No.385, Finance (Pay Section) Department, dated 01.10.2010 cannot be made applicable for those, who are working in the Aided College.

4. The learned counsel appearing for the petitioner, by referring the earlier order of the 3rd respondent/the Joint Director of Collegiate Education, dated 05.10.2019, submits that a similar order was passed by the 3rd respondent on earlier occasion and the same was challenged by the petitioner in W.P.(MD)No.17141 of 2020. This Court has discussed with regard to the eligibility of petitioner in the light of G.O.(Ms.)No.385, Finance (Pay Section) Department, dated 01.10.2010 and also set aside the earlier order passed by the 3rd respondent/Joint Director of Collegiate Education in Na.Ka.No.2070/V4/2019 dated 05.10.2019 and directed the 3rd



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respondent to consider the case of the petitioner once again as per G.O.Ms.No.385, Finance (Pay Section) Department dated 01.10.2010. The learned counsel has also relied on the paragraph 5 with regard to the discussion of this Court in W.P.(MD)No.17141 of 2020, while setting aside the similar order passed by the 3rd respondent on 05.10.2019 and the same is extracted as under:

“5. From the perusal of G.O.(Ms.)No.385, Finance (Pay Section) Department, dated 01.10.2010, it is evident that the said Government Order was issued only in respect of the employees, who are working on daily wages or consolidated wages including local bodies extending benefit of time scale of pay on completion of 3 years of service either on daily wage or consolidated pay. From the said Government Order, it is noticed that the said Government Order has application only to the employees working on daily wage or consolidated wage. The petitioner herein is admittedly working in the above said College under the control of respondents 1 to 3 herein on consolidated pay, since the Government has taken over the said college in the year 2019. If that be the case, the contention of the respondents in the impugned order as well as in the counter affidavit stating that the petitioner is not working in the college in question, but, he is an employee of the fourth



respondent University, cannot be sustained. Admittedly, the petitioner herein is working under the control of the respondents 1 to 3 in the College, that was taken over by the respondents by issuing G.O.(Ms).No.36, Higher Education (G1) Department, dated 28.02.2019 and is being paid by the Respondents 1 to 3 only. Admittedly, the petitioner is working since the date of taking over the College till date. Therefore, the reasons on which the impugned order came to be issued, are unsustainable and only a result of non-application of mind.”

5. Though there was a discussion in paragraph 5 of the order dated 27.02.2024 passed in W.P.(MD)No.17141 of 2020, this Court set aside the order of the 3rd respondent/the Joint Director of Collegiate Education dated 05.10. 2019 and also directed the 3rd respondent to consider the case of the petitioner as per G.O.(Ms.)No.385, Finance (Pay Section) Department, dated 01.10.2010.

6. G.O.Ms.No.385 is meant for regularization of sweepers, who have been working on consolidated pay in the local bodies and in the Government Offices. However, the 3rd respondent has rejected the claim of the petitioner that G.O.Ms.No.385 is meant for Government offices, which



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cannot be made applicable for the persons who have been working in the University.

7. Considering the fact that the earlier order passed by the 3rd respondent dated 05.10.2019 has been set aside by this Court, after a detailed discussion in paragraph 5 of the order dated 27.02.2024 passed in W.P.(MD)No.17141 of 2020, this Court is not inclined to interpret the order of this Court passed in W.P.(MD)No.17141 of 2020 once again that the petitioner is entitled for the relief in the light of G.O.Ms.No.385.

8. When G.O.Ms.No.385 itself has been specifically stated that it is meant for the employees who have been accommodated on consolidated pay as Sweepers in the Government Offices and local bodies, this Court is of the view that it cannot be implemented for all Government establishments including the Universities.

9. This Court also finds that the Government Advocate, who contested the case in W.P.(MD)No.17141 of 2020 has not apprised the eligibility of the petitioner in the light of G.O.(Ms.)No.385. Since there is a failure on the part of the Government Advocate, this Court is not inclined to



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entertain the contempt petition and to take action as against the respondents.

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10. Accordingly, this Contempt Petition is closed with liberty to the petitioner to challenge the proceedings dated 06.06.2024 passed by the Joint Director of Collegiate Education, Chennai, in the manner known to law.

22.11.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

Dr.R.Ravanan,
The Joint Director of Collegiate Education,
(Planning and Development),
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B.PUGALENDHI, J.

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